The City Council of the City of Raleigh met on Tuesday, July 16, 1985, at 1:00 p.m. in the Raleigh Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by Councilman Arthur J. Calloway after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***THE LEARNING TREE - TRAILWOOD DRIVE - RECOGNIZED

Mayor Upchurch recognized a group of approximately fourteen 9 and 10 year-olds from The Learning Tree on Trailwood Drive. The members of the class were recognized by the Counsellor Connie Creasman.

***SOCCER - 69 RALEIGH ROCKETS - RECOGNIZED

Mayor Upchurch recognized ten members of the 69 Raleigh Rockets who are one of four teams nationwide who will participate in Las Vegas, Nevada for the Niotis Cup. The captain of the team expressed appreciation recognizing his coach and trainers.

***VOLUNTEER OF THE MONTH - PERCY J. OLIVE - RECOGNIZED

Mayor Upchurch read a proclamation and presented a certificate of appreciation to Percy J. Olive, volunteer of the month. In accepting the proclamation, Mr. Olive recognized the director of Meals on Wheels indicating he does all he does for God's glory, not his.

***CERTIFICATES OF APPIONTMENT - PRESENTATIONS MADE

Mayor Upchurch explained the presentation of Certificates of Appointment and presented the following certificates:

Appearance Commission - Lidia White
Downtown Advisory Committee - Steve Merritt
Historic Districts Commission - Vivian Irving
Housing Authority Board of Directors - Vernon R. Jansen, Jr.
Transit Authority - Shelby Alford and Thomas Hilliard, III

***RALEIGH HOUSING AUTHORITY - REPAYMENT OF PILOT PROJECT - FUNDS EXCEPTED

Floyd Carter representing the Raleigh Housing Authority was at the meeting and presented a check in the amount of $105,317. He expressed appreciation to the Mayor and City Council on behalf of the Raleigh Housing Authority for waiver of their payment. He stated as a result of this waiver, they had been able to do several things. He indicated these funds had allowed them to receive over $5,000,000 from HUD to put into their energy improvement program. He indicated without the help of the City of Raleigh, they would not have been able to do this work. Mayor Upchurch accepted the payment on behalf of the City of Raleigh with Mr. Congleton pointing out rarely do you get such a response as this. He indicated the City Council appreciates the work of the Housing Authority and pointed out that gestures such as this are one of the reasons that the City Council supports such projects as Project Self-Sufficiency.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. He pointed out if a Councillor requests discussion on an item, the item would be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. Mrs. Cates requested that the sewer easement relocation relating to Yonders Road be removed. Mr. Calloway requested that inspection of City street system bridges be removed. Without objection, these two items were removed. Ms. Babb moved Administration's recommendations on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Callowy and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PRIVILEGE LICENSE - THE NAIL DESIGN - APPROVED

This is an application for a massage business license for "The Nail Design," located at 1301 Millbrook Road. The owner, Lisa Perry Daniel, is the individual making the application. City Code Section 12-2134 requires City Council approval before a

license may be issued for a massage business. Police, Building/Zoning, and Fire reports indicate approval.

Recommendation: That this license be approved. Consent Agenda Approval: Babb/Calloway - 8 ayes.

***COMMUNITY DEVELOPMENT GRANT - FY85-86 - MAYOR AUTHORIZED TO SIGN

The City has been officially notified of the grant award for 1985-86 of $1,724,000.

Recommendation: That the grant be accepted and the Mayor be authorized to execute the grant agreement. Consent Agenda Approval: Babb/Calloway - 8 ayes.

***WATER ALLOCATION - APEX - CONTRACT AMENDMENTS APPROVED

On May 21, 1985, the Council approved a temporary emergency water allocation to Apex in the amount of 500,000 (gpd) gallons per day. The Town of Apex has now requested that the allocation of 500,000 gallons per day be made a permanent allocation effective October 1, 1985. This action would require amendments to the Cary-Raleigh Agreement and the Apex-Cary Agreement and would require Apex to pay the retroactive capital facilities charge.

Recommendation: That the Council approve a permanent additional water allocation of 500,000 gpd and approve the appropriate contract amendments. Consent Agenda approval: Babb/Calloway - 8 ayes.

***REZONING BRIER CREEK AREA - HEARING AUTHORIZED

In connection with the Brier Creek annexation program, the City Planning Department has received an application for rezoning the Harlon property. This application is to rezone the property from the current Wake County zoning districts of Highway District, Airport District 1, Airport District 2, and Residential-30 to Thoroughfare District-Conditional. If Council agrees to schedule a special joint public hearing with the Planning Commission at 7:00 p.m., on August 6, 1985, the Planning Commission can consider the request at its August 12, meeting and forward its recommendation to Council for its final action in September. This will allow the City to have its zoning districts in place prior to the expiration of County zoning (which occurs 60 days after the effective date of annexation, or September 29, 1985).

Recommendation: That Council authorize a special joint hearing with the Planning Commission for 7:00 p.m., on August 6, 1985, to consider the Brier Creek rezoning application. Consent Agenda approval: Babb/Calloway - 8 ayes.

***PW 1983-1 - MILLBROOK ROAD - CONTRACT RETAINAGE REDUCED

The original work under this contract has been completed, but a change order to add the Millbrook Road improvements is not complete. The Millbrook Road work is 80% complete.

Recommendation: That the contract retainage be reduced to 5%. Consent Agenda approval: Babb/Calloway - 8 ayes.

***BOND SALE - STREET - AUGUST 27 SALE AUTHORIZED

It is appropriate to proceed with a bond sale for $8,000,000 at this time to begin to make funds available for the capital program. A tentative date of August 27 has been arranged.

Recommendation: That the Council concur with the bond sale of $8,000,000 for August 27, 1985. Consent Agenda approval: Babb/ Calloway - 8 ayes.

***STREET IMPROVEMENTS - CROSS LINK ROAD - BID AWARDED TO S. T. WOOTEN CONSTRUCTION COMPANY, INC. - FUNDS APPROPRIATED

Bids have been received for the Cross Link Project, PW 1985-7, which extends this road on its new alignment from Rock Quarry Road to Lyndhurst Drive. Four bids have been received:

S. T. Wooten Const. Co., Inc.	$122,666.40
C. C. Mangum, Inc.	142,788.88
Honeycutt General Contractors, Inc.	146,700.00
Oscar Miller Contractor	219,677.55

Recommendation: That the contract be awarded to the low bidder in the amount of $122,666.40, which includes street improvements and the 8-inch water main. The Agenda also listed the appropriate transfer of funds which are needed and recommended for approval. Consent Agenda approval: Babb/Calloway - 8 ayes. See Ordinance 609 TF 2.

***BOND PROGRAM - ENGINEERING SERVICES - CONTRACTS AWARDED TO KIMLEY HORN AND ASSOCIATES AND RUMMEL-KLEPPER AND KAHL

The Council has previously approved retention of the firm of Kimley Horn and Associates for design of Six Forks Road improvements and Rummel-Klepper and Kahl for

Peace Street and Eastern Boulevard from Rock Quarry Road to Poole Road. Negotiations have been completed and a tentative agreement reached as follows:

Kimley Horn and Associates will perform design services for the Six Forks improvements from the Beltline north to Northbrook Drive and from Lynn Road to Sawmill Road for a fee of 10% of construction costs.

It is noted that the design for improvements from Sawmill to Strickland Roads would be deferred until later this year to determine if the State will participate in this project.

Rummel-Klepper and Kahl will perform the design work for Eastern Boulevard for a lump sum of $110,624.and the design work for Peace Street for a lump sum of $62,364.

Recommendation: That these two firms be retained and engineering services agreements be approved according to the above noted terms. Consent Agenda approval: Babb/Calloway - 8 ayes.

***ROAD BOND PROGRAM - PROJECT EXPENDITURE ACCOUNTS ESTABLISHED

The Agenda design expenditure accounts relating to the Millbrook Shelley Road in the amount of $373,000; Raleigh Boulevard - $260,000; Eastern Boulevard - $175,000; Six Forks Raod - $235,000; Lynn Road Extension - $178,000; and Atlantic Avenue - $20,000.

Recommendation: That the expenditure accounts for the design of the various road projects as outlined be established. Consent Agenda approval: Babb/Calloway - 8 ayes. See Ordinance 609 TF 2.

***WATER AND SEWER SERVICE CHARGES - ANNUAL ADJUSTMENT - APPROVED

Each year a review is made of prior year costs to establish the cost for extending a water and sewer service from the main to the property being served. In the past, this calculation has been based only on the work performed by City crews. Much of our work is under contract and it is appropriate to consider all costs including contract accounts. This has been the basis for the evaluation this year and the following revisions are proposed with current costs in parenthesis. It should be noted that this is the first adjustment in two years as no change was made in 1984.

Size and Type of Service	Inside/Outside City	
	Dirt	Paved
Combination 3/4" Water and 4" Sewer Service	$1,000 (1,045)	$1,195 (1,192)
Combination 1" Water and 4" Sewer Service	$1,320 (1,097)	$1,515 (1,244)
3/4" Water Service Only	$ 580 (640)	$ 775 (787)
3/4" Split Water Service (existing service)	$ 340 (320)	$ 340 (320)
3/4" Split Water Service (new application)	$ 295 (187)	$ 295 (187)
1" Water Service Only	$ 750 (908)	$ 945 (1,055)

Size and Type of Service	Inside/Outside City	
	Dirt	Paved
4" Sewer Service Only	$ 835 (1,132)	$1,030 (1,279)
Sidewalk Cut		$ 79 (70)

Recommendation: That the services fee schedule be revised as proposed. Consent Agenda approval: Babb/Calloway - 8 ayes.

ORDINANCE NO. (1985) 614

AN ORDINANCE TO AMEND SECTION 10-6081(b) OF THE CODE OF THE CITY OF RALEIGH ENTITLED "FEES FOR THE INSTALLATION OF WATER AND SEWER SERVICES BY CITY FORCES"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10-6081(b) entitled "Fees for the Installation of Water and Sewer Services by City Forces" be amended and made to read as follows:

Size and Type of Service	Inside/Outside City	
	Dirt	Paved
Combination 3/4" Water and 4" Sewer Service	$1,000.00	$1,195.00
Combination 1" Water and 4" Sewer Service	$1,320.00	$1,515.00
3/4" Water Service Only	$ 580.00	$ 775.00
3/4" Split Water Service (existing service)	$ 340.00	$ 340.00
3/4" Split Water Service (new application)	$ 295.00	$ 295.00
1" Water Service Only	$ 750.00	$ 945.00
4" Sewer Service Only	$ 835.00	$1,030.00
Sidewalk Out		$ 79.00

These fees apply to services installed by City forces for vacant lots. Fees for water services over one (1) inch and sewer services over four (4) inches shall be determined individually by the Director of Public Utilities after submission of a plot plan showing service location and size.

The fee for a 3/4 inch split water service is in addition to the fee for the water service or existing water stub.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon its adoption.

Adopted: 7/16/85

***BUDGET - FY 84-85 - FINAL ADJUSTMENTS AUTHORIZED

The Agenda presented final adjustments in several areas relating to the FY 84-85 Budget relating to M&O accounts, Civic Center, Public Utilities - Workmens Compensation, retirement and social security, Reserve Future Debt/Bond Commissions and Operating Deficit/Transit Expense. The Agenda outlined the code accounts from which the funds should be transfered and the code accounts in which the funds should be placed.

Recommendation: That the transfers as outliend be approved. Consent Agenda approval: Babb/Calloway - 8 ayes.

ORDINANCE NO. (1985) 608

AN ORDINANCE TO AMEND THE 1984-1985 BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfers are approved for year-end ledger clean-up:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	01-2-5020-0230	Street Maintenance M&O	$ 29,000.00
From	01-2-4040-0230	Investigations M&O	16,000.00
From	01-2-4030-0230	Field Operations M&O	16,000.00
From	01-2-1240-0230	Inspections M&O	21,000.00
From	01-2-6020-0230	Parks M&O	8,000.00
From	06-2-7030-0230	Water Plants M&O	30,678.91
To	01-2-1200-0230	Engineering M&O	456.31
To	01-2-6050-0230	Greenway M&O	7,383.45
To	01-2-5030-0230	Sanitation M&O	112,839.15

Purpose: M&O Adjustments.

From	01-2-1080-0221	Printing	$ 273.16
To	01-2-1080-0301	Promotions	273.16

Purpose: Promotions Adjustment - Civic Center.

From	06-2-7100-0002	Contingency	$ 15,674.83
From	06-2-7100-0106	Workmens Compensation	2,943.96
To	06-2-7100-0101	Retirement & Social Security	18,618.79

Purpose: Retirement & Social Security Adjustment - Utilities.

From	07-2-0000-0001	Reserve Future Debt	$ 285.40
To	07-2-0000-0203	Bond Commissions	285.40

Purpose: Utility Bond Paying Agent Commissions Adjustment.

From	42-2-9010-0291	Operating Deficit	$ 11,000.00
To	42-2-9010-0500	Transit Expense	11,000.00

Purpose: Transit Operation Adjustment.

Adopted: 7/16/85

***BUDGET - FY 85-86 - AMENDMENTS AUTHORIZED

In transitioning into the 1985-86 Budget, the following items need to be adjusted:

(1) Reduce Powell Bill Fund, appropriated fund balance, by $317,000 and Council Reserve by the same amount to reflect late FY 84-85 Budget actions setting up expenditure projects for Spring Forest Road, Stoneybrook, and PW 1985-1 paving contracts.

(2) Reduce appropriated fund balance in Utility Debt Service Fund by $200,000 and reduce Reserve for Future Debt by the same amount to reflect acreage fees received which are to be held for future payment on acreage fee refund contracts.

Recommendation: That the adjustments be approved. Consent Agenda approval: Babb/-Calloway - 8 ayes.

ORDINANCE NO. (1985) 615

AN ORDINANCE TO AMEND THE 1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Powell Bill Fund be reduced as follows to reflect late FY 84-85 budget actions setting up expenditure projections for Spring Forest Road, Stoneybrook, and PW 1985-1 paving contracts:

Decrease:		
08-1-0090-0220	Powell Bill	$317,000.00
Decrease:		
08-2-0000-0001	Council Reserve	$317,000.00

Section 2. That the Utility Debt Service Fund be reduced as follows to reflect acreage fees received which are to be held for future payment on acreage fee refund contracts:

Decrease:		
07-1-0090-0220	Utility Debt Service	$200,000.00
Decrease:		
07-2-0000-0001	Reserve for Future Debt	$200,000.00

Adopted: 7/16/85

***COMMUNITY DEVELOPMENT PROGRAM - LAND ACQUISITION - APPRAISAL CONTRACTS AUTHORIZED

To acquire property under the Community Development Program, it is necessary to appraise property by independent fee appraisers. The process has always included two appraisals and one review appraisal.

After solicitation from several appraisers, the Community Development Department has received proposals and fee schedules from the following:

Ray Barker & Associates	$150.00/assignment
Robert Birch	$150.00/assignment
David Wilson	$200.00/assignment

Review Appraiser:
Paul Bunn $75.00 each or $150.00/assignment

Recommendation: That the fees as proposed by Mr. Barker, Mr. Birch and Mr. Bunn, as review appraiser, be accepted and contracts executed, retroactive to July 1, 1985. Consent Agenda approval: Babb/Calloway - 8 ayes.

***OPTIMIST COMMUNITY CENTER EXPANSION - BID AWARDED TO SAIEED CONSTRUCTION, TRIANGLE MECHANICAL AND WATSON ELECTRIC; FUNDS APPROPRIATED

Bids for the expansion of Optimist Community Center were received on June 13, 1985. They have been reviewed by the department and the architect.

Low bid for General Construction was submitted by Saieed Construction in the amount of	$ 244,137.00	Base Bid
Deduct items presented by the Architect in his letter of July 2, 1985	-22,467.00	
Plus Alternate No. 1, Pave Parking Lot	+19,692.00	
TOTAL	$241,362.00	
Low bid for plumbing was submitted by Triangle Mechanical	$ 13,821.00	Base Bid
Low bid for electrical was submitted by Watson Electric	$ 13,478.00	Base Bid

A copy of the bid tabulations and the Architect's letter of July 2, was in the Agenda packet. The total bids exceed the budget by $44,161. Funding from Parks Capital Funds Council Reserve will be necessary.

Recommendation: That the low bids be approved as explained and the appropriate transfer of funds as outlined on the Agenda be approved. Consent Agenda approval: Babb/Calloway - 8 ayes. See Ordinance 609 TF 2.

***STREET CLOSING - TRYON ROAD - RESOLUTION OF INTENT ADOPTED

A petition has been received from Roses Stores, Inc., requesting the closing of an old dedicated right-of-way alignment for Tryon Road. Tryon Road has been realigned to the north of this site, thus eliminating the need for the subject right-of-way. The site is located east of South Wilmington Street and west of Durham Drive as shown on the map in the Agenda packet.

The reviewing City agencies have recommended that the subject street be closed with the condition that a 20-foot easement be dedicated over the 8-inch sewer line located on the site.

Recommendation: With the above condition, it is recommended that City Council adopt a resolution of intent to close the subject right-of-way and set a date for a public hearing to be September 3, 1985. Consent Agenda approval: Babb/Calloway - 8 ayes.

RESOLUTION NO. (1985) 865

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF TRYON ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

Situated in St. Mary's Township, Wake County, North Carolina, and more particularly described as follows:

Bounded on the north by lands of Brown Memorial Fund, Inc., on the east by the right-of-way of Durham Drive, on the south by lands of Rose's Stores, Inc. and Elvis N. Pollard (Morris Theatre Bldg.) and on the northwest by the right-of-way of the present Tryon Road, and described as follows:

Begin at a point in the southerly boundary of Brown Memorial Fund, Inc., as described in deed in Book 3083, page 0620, Wake County Registry, where the northerly edge of the right-of-way of Tryon Road as shown on plat 1973-465, Wake County Registry, intersects the southerly or southeasterly edge of Tryon Road as it presently exists; from said beginning point run thence along the boundary of the said Brown Memorial Fund, Inc., S. 68° 25' E. 280 feet to the westerly edge of the right-of-way of Durham Drive; thence along the said right-of-way of Durham Drive S. 4° 29' W. 94.16 feet to the southerly edge of the right-of-way of Tryon Road as shown on plat 1973-465, Wake County Registry, in the line of Rose's Stores, Inc.; thence along said right-of-way, and the line of Rose's Stores, Inc. and Elvis N. Pollard N. 68° 25' W. 448.91 feet to a point; thence along a curve to the left having a radius of 755 feet, for a distance of 352.49 feet to a point at or near the boundary between Rose's Stores, Inc. and the property of Elvis N. Pollard and Mack Donald Weeks; continue along said right-of-way along a curve to the left having a radius of 755 feet for a distance of 132.89 feet to a point where the southerly edge of the right-of-way of Tryon Road as shown on plat 1973-465, Wake County Registry, intersects the southerly or southeasterly edge of the right-of-way of Tryon Road as it presently exists; thence along the southerly or southeasterly edge of the existing right-of-way of the presently existing Tryon Road, along a curve to the right having a radius of 2246.83 feet, for a distance of 133.77 feet to a pint; continue along a curve to the right having a radius of 2246.83 feet, for a distance of 341.95 feet to the

point of beginning, containing 42.528 square feet, according to a plat and survey of John A. Edwards & Company, dated October 21, 1983, entitled "A Portion of Tryon Hills", from which the foregoing description was taken, and to which reference is hereby made for further description and certainty of location.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, September 3, 1985, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 7/16/85

***CITY MARKET PROJECT - BUDGETS ESTABLISHED; ADMINISTRATION AUTHORIZED TO NEGOTIATE AND EXECUTE CONTRACT WITH LARRY CHASAK, SURVEYOR

Specific budget accounts need to be established for land acquisition activities and associated property survey.

Recommendation: That the following transfer be approved:

From:		
34-2-3930-0100	City Market	$701,600
To:		
34-2-3930-0101	City Market Land	$684,000
34-2-3930-0102	Engineering	17,600
		$701,600

And, further, that the survey firm of Larry Chasak be approved and Administration be authorized to negotiate and execute a contract with this individual. Consent Agenda approval: Babb/Calloway - 8 ayes. See Ordinance 608 TF 2.

***VISTA - GRANT APPLICATION - SUBMITTAL AUTHORIZED

Last year, the Council approved submittal of a grant request for a "Comprehensive Youth Services Program." It was not funded. Another funding period now allows the opportunity to submit another request. The application is for twelve (12) Vista Volunteers to develop an employment program for city youth. The City's cost is In-kind Services.

Recommendation: That approval be given to submit the grant application. Consent Agenda approval: Babb/Calloway - 8 ayes.

***FAYETTEVILLE STREET MALL - TEMPORARY ENCROACHMENT AGREEMENT - AUTHORIZED

Construction of the Raleigh Federal Savings & Loan Building necessitates that the builder encroach into the Mall and Exchange Plaza. An encroachment agreement has been developed which requires the builder to fully replace the City facilities and Mall surface.

Recommendation: That the Council approve the temporary encroachment and the use subject to the terms of the encroachment agreement. Consent Agenda approval: Babb/Calloway - 8 ayes.

***REIMBURSEMENT CONTRACTS - MYRICK CONSTRUCTION COMPANY AND DREXEL PROPERTIES - MAYOR AUTHORIZED TO SIGN

Four acreage fee contracts have been prepared for City Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

Myrick Construction Company
Water Area 6, No. 22
Water Area 16, No. 5
$10,815 in each contract
12-inch water line in Litchford Road

Drexel Properties
Water Area 8, No. 25
$12,154.68
12-inch water line in Bartons Landing Road

Drexel Properties
Sewer Area 15, No. 6
$73,024.31
Lake Lynn Sewer Outfall

Recommendation: Approval is recommended and authority for the Mayor's signature is requested. Consent Agenda approval: Babb/ Calloway - 8 ayes.

***CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for the rent-free use of the Northeast Exhibition Hall and adjoining hallway of the Raleigh Civic Center for the Information and Marketing Resources Committee of the Raleigh Economic Development Round Table on Thursday, November 14, 1985, from 8:00 a.m. until Noon. The item was received as information without comment.

***GORMAN STREET - CONDEMNATION RESOLUTIONS - ADOPTED

Efforts have been unsuccessful to obtain needed right-of-way, in the Gorman Street Extension Project as outlined below:

a. Name: Triple "R" Realty Company
c/o Mr. & Mrs. H. H. House
3018 Haven Road
Raleigh, North Carolina 27610

Site Location: 3519 Neil Street, Raleigh

Project Name: Gorman Street Extension

b. Name: Herman K. Smith

Site Location: 3515 Neil Street

Project Name: Proposed Gorman Street Extension

Recommendation: Administration recommends adoption of resolutions of condemnation. Consent Agenda approval: Babb/Calloway - 8 ayes. See Resolution 867 and 868 on page _____.

***TRANSFERS - ADMINISTRATION - MANAGER'S ACTION UPHELD

Council Members received in their Agenda packet a list of Administrative transfers which have been authorized by the City Manager according to Council procedure. Transfers were as follows:

FROM	TO	AMOUNT
6-2-7030-0225	06-2-7040-0709	$800.00
8-2-3310-0104	38-2-3310-0101	$367.10
4-2-3805-0107	34-2-3805-0104	$556.27
1-2-1040-0001	01-2-1100-0231	$525.00
8-2-3340-0104	38-2-3340-0104	$900.00

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Babb/Calloway - 8 ayes.

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented transfers in the Community Development and the Police Departments and outlined the reasons for the transfers.

Recommendation: That the transfers, as outlined, be upheld. Consent Agenda approval: Babb/Calloway - 8 ayes.

ORDINANCE NO. (1985) - 609 TF 2

AN ORDINANCE TO AMEND THE 1985-86 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From: 32-2-5055-0100	Cross Link Relocation	$ 100,616.40
From: 80-2-1000-0000	Reserve	22,050.00
To: 32-2--5055-0101	Cross Link Rd. Const.	122,666.40
Purpose: To provide funds for realignment and water line of Cross Link Road		
From: 37-2-1000-0100	P.I. Council Reserve	13,821.00
To: 38-2-3500-0105	Optimist Center-Plumbing	13,821.00
Purpose: To establish account for plumbing of Optimist Center Expansion		
From: 37-2-1000-0100	P.I. Council Reserve	13,478.00
To: 38-2-3500-0106	Optimist Center Elec.	13,478.00
Purpose: To establish account for electrical contract for Optimist Center expansion		
From: 38-2-3500-0100	Optimist Center	224,500.00
From: 37-2-1000-0100	P.I. Council Reserve	16,862.00

To:	38-2-3500-0101	Optimist Center A	241,362.00

Purpose: To establish account for General Construction of Optimist Center expansion.

From:	43-2-2020-0100	Acquisition	12,000.00
To:	43-2-2022-0100	Property Maintenance	12,000.00

Purpose: To establish funds for property maintenance for FY 85-86

From:	43-2-3040-0100	Relocation	4,000.00
To:	43-2-3060-0100	Loans & Grants	4,000.00

Purpose: To provide sufficient funds for loans and grants in the Thompson School/Lucille Hunter School Community Development area.

From:	01-2-4040-0265	Other Services	2,150.00
To:	01-2-4040-0234	Pager Service	2,150.00

Purpose: To pay contract for pager service for FY 85-86

From:	35-2-2020-0100	Glen Eden Dr.	45,000.00
To:	35-2-2020-0102	Glen Eden Eng.	45,000.00

Purpose: To provide funds for Engineering Design Services

From:	34-2-3930-0100	City Market	701,600.00
To:	34-2-3930-0101	City Market Land Acq.	684,000.00
To:	34-2-3930-0102	Engineering	17,600.00

Purpose: For land purchases for City Market

From:	35-2-2030-0100	Millbrook-Shelley Road	373,000.00
To:	35-2-2030-0102	Millbrook-Shelley - Eng.	373,000.00

From:	35-2-2025-0100	Raleigh Boulevard	260,000.00
To:	35-2-20250-102	Raleigh Boulevard - Eng.	260,000.00

From:	35-2-2050-0100	Eastern Boulevard	175,000.00
To:	35-2-2050-0102	Eastern Boulevard - Eng.	175,000.00

From:	35-2-2000-0100	Design Services	235,000.00
To:	35-2-2060-0102	Six Forks Road Eng.	235,000.00

From:	35-2-2000-0100	Design Services	178,000.00
To:	35-2-2055-0102	Lynn Ext. - Eng.	178,000.00

From:	32-2-3000-0100	Atlantic Avenue	20,000.00
To:	32-2-3012-0104	Atlantic Ave. - Misc. (for materials testing)	20,000.00

Purpose: To establish accounts for design contracts for projects as indicated.

Adopted: 7/16/85

ORDINANCE NO. (1985) 609 TF 2
ADDENDUM

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT		OBJECT CLASSIFICATION	AMOUNT
From	33-2-2050-0100	Downtown Dev. Reserve	$ 500,000.00
From	29-2-1000-0100	Council Reserve	193,540.00
From	40-2-1515-0000	Civic Center Plaza	938,000.00
To	40-2-1515-0101	Civic Center Plaza General Cont.	1,631,540.00

Purpose: Civic Center Plaza (General Contract).

From	29-2-1000-0100	Council Reserve	$ 83,170.00
To	40-2-1515-0105	Civic Center Plaza Ldscpg.	83,170.00

Purpose: Civic Center Plaza (Landscaping Contract).

From	29-2-1000-0100	Council Reserve	$ 18,000.00
To	40-2-1515-0104	Civic Center Plaza (Misc.)	18,000.00

Purpose: Civic Center Plaza (Misc).

Adopted: 7/16/85

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented changes in the traffic code relating to the "Loading Zone" on Martin Street, "No U-Turn" on Yonkers Road, speed limit on Duraleigh Road, "Stop and Yield" signs at various locations as well as the traffic control for the Briar Creek annexed area.

Recommendation: Administration recommends approval of changes in the traffic code as outlined. Consent Agenda approval: Babbs/ Calloway - 8 ayes.

ORDINANCE NO. (1985) 610

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP SIGNS" be amended by adding the following:

Diggs Drive at Kirkland Drive
Trust Drive at Green's Dairy Road

Section 2. That Traffic Schedule No. 3 entitled "YIELD SIGNS" be amended by adding the following:

Diggs Drive, southbound at Diggs Drive
Wayne Street, southbound at Wayne Street

Section 3. That Traffic Schedule No. 5A6 entitled "55 MPH SPEED ZONES" be amended by deleting the following:

Duraleigh Road from Glenwood Avenue to Deep Hollow Drive

Section 4. That Traffic Schedule No. 5A4 entitled "45 MPH SPEED ZONES" be amended by adding the following:

Duraleigh Road in its entirety

Section 5. That Traffic Schedule No. 7 entitled "NO U-TURN" be amended by adding the following:

Both ends of medians on Yonkers Road at interchange with Beltline

Section 6. That Traffic Schedule No. 17 entitled "LOADING ZONES" be amended by adding the following:

Martin Street, south side, beginning at a point 25 feet east of Haywood Street, eastward, 60 feet

Section 7. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. That this Ordinance shall become effective July 23, 1985.

Adopted: 7/16/85
Effective: 7/23/85

ORDINANCE NO. (1985) 617

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 4 entitled "THROUGH STREETS" be amended by adding the following:

Lumley Road
Middle Hillsborough Road

Section 2. That Traffic Schedule No. 5A4 entitled "45 MPH SPEED ZONES" be amended by adding the following:

Blue Ridge Road, in its entirety
Lumley Road, in its entirety

Section 3. That Traffic Schedule No. 5A6 entitled "55 MPH SPEED ZONES" be amended by adding the following:

Middle Hillsborough Road in its entirety

Section 4. That Traffic Schedule No. 11 entitled "LOCAL TRUCK ROUTES" be amended by adding the following:

Lumley Road in its entirety
Middle Hillsborough Road in its entirety

Section 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective July 31, 1985.

Adopted: 7/16/85
Effective: 7/31/85

**** END OF CONSENT AGENDA ****

***SEWER EASEMENT RELOCATION - YONKERS ROAD - ADVERTISING AUTHORIZED

A newly constructed building along Yonkers Road has been built encroaching on the City's existing sanitary sewer easement. The developer has requested that the City agree to an exchange of sewer easements with provision that the developer pay for all costs for the relocation of the line. A map was in the Agenda packet. The plans have been reviewed and are acceptable.

Recommendation: That the sewer easement exchange be approved for advertisement subject to the developer making all subsequent revisions to the sanitary sewer line at his cost and subject to approval of City Administration.

Mrs. Cates pointed out she withdrew this from the Consent Agenda pointing out she did not know how this kind of encroachment happened and questioned if there is anything the City could do to prevent this type thing from happening. City Manager Benton indicated this does occur periodically. He pointed out in this particular case the sewer line extended across the rear of the property and the developer constructed a building which encroaches on the existing sanitary sewer. He indicated the only thing he knows to do is to try to get developers to be more sensitive in locating their utility lines. This was discussed briefly after which Mrs. Cates moved Administration's recommendation be upheld. Her motion was seconded by Mrs. Block and put a vote which passes unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-893

RESOLUTION OF INTENT TO EXCHANGE SANITARY SEWER EASEMENTS

WHEREAS, because of an error during construction, it has been necessary to relocate an existing sanitary sewer line situated on Lot 15 A on Yonkers Road/York Properties.

WHEREAS, in order to effectuate this relocation, the City has received a proposal to exchange the sanitary sewer easement formerly dedicated to the City of Raleigh a new sanitary sewer easement and with the provision that the developer will pay all costs for the relocation of the sanitary sewer line.

WHEREAS, the City Council intends to consider authorizing such an exchange of easement at its regular meeting to be held on Tuesday, September 3, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

1. The City Clerk shall caused to be published at least ten (10) days prior to the third day of September 1985, a notice of the proposed exchange as required by G.S. 160A-271.

2. At its regular meeting on the third day of September 1985, the City Council intends to authorize the exchange of property described of property as outlined above and according to a map on file in the City Clerk's office dated June 18, 1985.

***BRIDGE INSPECTION - CITY STREET SYSTEM - MUNICIPAL AGREEMENT APPROVED

During the past four years, the City has participated in a program to regularly inspect bridges which has become a biennial project. The State participates in this program and a municipal agreement has been developed to cover this year's activities. The total cost is $14,000 which is included in the 1985-86 Budget and the City will be reimbursed for 80% of this cost.

Recommendation: That the Council approve the municipal agreement for reinspection of bridges on the City Street System.

Mr. Calloway pointed out he withdrew this item from the Consent Agenda pointing out $14,000 does not seem to be enough to inspect every bridge in the City. He questioned how many bridges this would cover. City Manager Benton indicated this covers fourteen bridges that will be inspected this year. He indicated bridges have to be inspected every two years. He explained many of the bridges in Raleigh are not on the City street system but the State street system. He indicated these fourteen bridges are all on the City street system. Mr. Calloway moved approval of Administration's recommendation. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 866

Copy of a Resolution Passed by the City Council
of the City of Raleigh, North Carolina

The following resolution was introduced, and Councilman Calloway moved that it be adopted. The motion was seconded by Councilman Cates, and, upon being put to a vote, the resolution was carried;

WHEREAS, the City of Raleigh has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilita-

tion Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the City of Raleigh; and

WHEREAS, the City of Raleigh proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the City of Raleigh shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the City Council of the City of Raleigh and the Mayor and Clerk (or Manager) of this Municipality are hereby empowered to sign and execute the required agreement between the City of Raleigh and the Department of Transportation.

WITNESS, my hand and the official seal of the City of Raleigh on this the 19th day of July, 1985.

***FARMER'S MARKET - FUNDING PROPOSAL - INFORMATION RECEIVED

Mayor Upchurch indicated the Senate voted to fund the State Farmer's Market with the understanding that it be built outside the Raleigh Beltline. He indicated this is to go before the House now. Mrs. Block indicated the Mayor has turned into a great lobbyist pointing out he has done a tremendous job on this project on behalf of the City of Raleigh. She indicated the importance of this is that everyone should realize how valuable the Dorothea Dix property is if developed properly. She commended the Mayor on behalf of the Council.

SPECIAL ITEMS

***RALEIGH-DURHAM AIRPORT AUTHORITY - INFORMATION RECEIVED

George Willoughby and Jack Harris, the City of Raleigh's appointees on the Raleigh/-Durham Airport Authority, were at the meeting to give the Council a preliminary update on the work ongoing at the Airport. Mr. Willoughby pointed out a meeting is scheduled the latter part of August to allow the Raleigh-Durham Airport Authority to brief officials of all four governing bodies. He briefly explained the tremendous growth occurring at the Raleigh-Durham Airport pointing out the biggest thing is the announcement that American Air Lines will develop a major North/South hub at RDU. He indicated the new terminal is to be completed in approximately two years and initially there will be fifteen gates for American Air Lines. Mr. Willoughby indicated everyone owes a tremendous debt of gratitude to the Airport Manager, John Brantley, pointing out he has done a tremendous job in working with American Air Lines officials. He explained the new runway, hopefully, will be completed in December of this year. The architects are working on plans for the new terminal and, hopefully, at the meeting in August, renderings of the new terminal will be available. Mr. Willoughby indicated the NCDOT has committed to completing a new roadway from I-40 to the Airport and he feels that everyone owes Jim Peden a "thank you" for that pointing out he was diligent in working with the Board members to get this road improvement on board.

Mr. Harris indicated the financial condition of the Airport is excellent. He explained there is some $85,000,000 of construction work in progress at the Airport now and the important thing is that there are funds available to pay for the work.. He indicated they have spent time with the State Treasurer and in Washington talking about financing of equipment for the runway and other needed facilities. He explained the projections for the number of flights and employment when all of this work is completed pointing out it is an exciting time to be involved at Raleigh-Durham Airport. He expressed appreciation to the City Council for allowing him to be a part of it. Mayor Upchurch expressed appreciation to Mr. Harris and Mr. Willoughby for the fine work they are doing.

***DRAINAGE PROBLEM - WINTERGREEN DRIVE - INFORMATION RECEIVED; ADMINISTRATION TO LOOK AT WAYS TO ADVISE CITIZENS OF RESPONSIBILITIES

During the July 2, 1985, Council Meeting, Raymond Kelly was at the meeting to discuss a drainage problem on an easement between properties on Wintergreen Drive. This item was referred to Administration. It would be appropriate to receive a report at this time.

City Manager Benton indicated this involves the blockage of a storm drainage pipe that is partially on City property and partially on private property. He stated the storm drain runs along the property line but it has been determined that it is

actually on the property of Robert Gordon at 5921 Wintergreen Drive. He indicated the City Inspections Department has notified him of the need to correct the situation giving him a July 29 deadline.

Mr. Congleton explained the average citizen does not understand that when there is an easement or a storm drain on their property, that they are responsible for maintaining it. He pointed out many times a citizen does not even know there is a storm drain on their property. Mr. Congleton questioned if there is some way that the City could help make citizens aware of storm drainage on their property and the fact that they are responsible for maintaining it. Mrs. Cates indicated she shared Mr. Congleton's concern pointing out most people do not know that this is their responsibility. Administration was asked to look at various possibilities for helping inform the citizens.

***BUSINESS AND TECHNOLOGY CENTER STUDY - CHAMBER TO PROCEED

City Manager Benton indicated at the July 2 Council Meeting the City Council deferred consideration of action on the Business and Technology Center. He stated this was done in conjunction with a specific request to the Chamber of Commerce as follows:

1. That the City would review and concur with the scope of the work to be undertaken by consultant performing the study.

2. That the study be focused on locating a Center within Raleigh.

3. That the request for proposals to undertake the study provide the opportunity for Control Data Corporation to submit a proposal.

4. That the study be commenced within ninety days.

Mr. Benton indicated the Chamber has reviewed the request and has indicated to the City that they will be amenable to work with these terms and work the City. Mayor Upchurch suggested that this item remain in the Intergovernmental Committee to follow through. Mr. Calloway questioned if we had any time frame to have the study completed with City Manager Benton indicating that would be set up in the terms or scope of work. He indicated the study has to begin in ninety days, that is, that the work has to be under contract within that time. The possibility of taking this item out of Committee for report back when the work has been completed was discussed briefly with Mayor Upchurch suggesting that the Chamber proceed with the study under the outline agreed upon but that the item remain in Intergovernmental Committee in case there are items that need to be worked on or studied in connection with the project. By general consensus, this was agreed to.

REQUESTS AND PETITIONS OF CITIZENS

***DEVELOPMENT DENSITY - NORTHWEST PLANNING DISTRICT - COMMENTS RECEIVED; ADMINISTRATION TO BRING THE REPORT ON RECOMMENDATIONS RELATING TO INFORMING COUNCIL

Jean J. Schueneman, 6408 Margate Court was at the meeting to discuss the density of new housing developments in the northern half of the Northwest Planning District. Mr. Schueneman indicated he was representing himself but pointed out he is Vice Chair of the Northwest Community CAC and Secretary of the Brookhaven Citizens Association explaining he had spent many hours working on the new Northwest Planning District Land Use Plan in 1983 and '84 pointing out it was officially adopted December, 1984. He explained the Land Use Plan calls for slightly higher residential densities within selected parts of the Northwest Planning District. He indicated the plan indicates that new housing is encouraged to develop at an average density of five units per acre instead of the current three. He indicated in the last year or so, it appears that land developers and City Council were going too far toward higher density housing in the portion of the Northwest District located north of Glenwood Avenue, therefore, he decided to undertake an evaluation. He stated he tried to get official information from the City of Raleigh on the density of recently started or completed or currently committed housing developments but found that information was not readily available. Therefore, he undertook gathering the data on his own regarding housing developments in 1984 and '85 and committed for 1986 in this area. He presented Council Members information and tables showing the data he had gathered. He stated, in general, density in units per acre were assumed to be 80% of the gross number allowed by the zoning category (to allow for streets, etc.) unless physical inspection indicated that different density should be used. He indicated his tally for these three years indicates that 3,331 multi-family dwelling units and 1,130 single-family detached units had been constructed in this area. He indicated his observations and conclusion led him to feel that the proportion of multi-family to single-family housing in the area is way out of step with Wake County and the State of North Carolina pointing out that multi-family housing is grossly excessive. He pointed out the construction of single-family homes in the study area is very low with 75% of the newer dwelling units in the study area being multi-family while only 35% of the dwelling units in Wake County as a whole are multi-family. He indicated the average density of new dwellings units per acre is much higher than the five units per acre called for in the City's plan. He stated during the three-year study period, the average density of new housing based on zoning categories is about 7.9 dwelling units per acre. Calculated use and the size of lots in developments, the density is about 6.3 units per acre allowing for roads, etc. He pointed out the City's plan does not specify how average density was calculated. He stated, however, in either case the target of five units per acre has been widely missed. Mr. Schueneman indicated using the figure of 2,689 acres of undeveloped R-4 land given in the

Land Use Plan and subtracting land converted to other zoning such as R-6, R-10 and O&I, etc., since the Plan was prepared, it was found that if all remaining vacant R-4 land were developed at a density of three dwellings per acre, the average density of new housing for the entire Northwest Planning District would then be 4.6 units per acre. Upon completion, the percentage of new single-family housing would be 66% with multi-family being 34%. He stated this would correct the imbalance that has occurred in the three-year study period. He explained only a small amount of new R-6 and R-10 zoned land is needed. He stated since little additional R-6 and R-10 land is needed to achieve residential density targets set for the district, there is no need to rezone R-4 land to higher housing density in any kinds of locations not set out in the Land Use Plan. He stated any location of marginal merit could be denied zoning and still easily meet objectives for increased housing density. He stated his conclusion is that the Northwest District is a desirable area for housing but the area is developing rapidly and the nice features are in jeopardy. The City has set objections of maintaining tree cover, spacious and county-like atmosphere for the district and has established an objective for increased housing density. He stated for the present the objective of increasing housing density has been greatly over emphasized to the detriment of the area. He stated for the future only a few carefully selected small areas of R-4 zoned land need to be rezoned R-6 or higher indicating if restraint in rezoning is not exercised, the first objectives will not be met and the quality of life now existing in the district will be further degraded.

Mrs. Cates commended Mr. Schueneman for his report pointing out she feels it is necessary that we stop and take a look at how much land has been rezoned and whether our population projections are holding. She indicated, generally speaking, the City Council has been guided by our Comprehensive Plan pointing out she has also heard that we may be getting too much R-10 land in some areas. She indicated we have been reading in the newspapers recently that we are over saturated with offices. Mrs. Cates explained that she understands that the information Mr. Schueneman has asked for is available only for the Raleigh jurisdiction, not just by district, pointing out it is her understanding that the staff has the capability of developing information on land that has been zoned, what it is zoned, vacant land, plans that have been approved for particular tracts of land and what has been developed. She stated she would like to have this information submitted to the Council on a quarterly basis and as we get rezoning petitions, if the staff feels we are getting too much density in an area that that should be noted on the zoning evaluation. She stated, in addition, she understands that on July 1, we will be given an update on the population, therefore, she is asking that the staff give a quarterly report on the zoning activities and as soon as the new population figures are available, she would like to have that also.

Mrs. Block also commended Mr. Schueneman indicating she thinks that what he is saying is that we do reach a saturation point and if we pay attention to the Comprehensive Plan, maybe we have already reached the saturation point in some areas. Therefore, she would second Mrs. Cates motion on the requested information from staff and that the Planning Commission and Planning staff let the Council know when we have reached a saturation point in any zoning district. Discussion took place as to whether there was actually a motion on the floor with Mrs. Block moving that the Planning staff keep a running total of the various types of zoning in each district and when we reach a saturation point in any zoning classification, that it be brought to the Council's attention. Mrs. Cates indicated she would second that motion if Mrs. Block would add to it that the Planning Commission and staff give a quarterly report on what has been zoned, vacant land and plans approved for an area. Mayor Upchurch indicated this is asking for a lot of information and we would probably have to add staff just to provide this information. Mrs. Babb suggested that maybe what would be better is to ask the Planning Director how to provide this type information. She indicated the information that is being requested she feels would be helpful but we need to decide what process would be used to provide this information, therefore, she would suggest that the Council ask the Planning Director to think about the kinds of information that the Council is requesting and what would be the most efficient way to deliver it to the Council. Therefore, she would make a substitute motion to refer this item to Administration to review the request and bring a report back to Council on the best way to provide this information and then a decision could be made. Her substitute motion was seconded by Mr. Congleton. Mr. Congleton pointed out it is important to determine the best way to provide the information pointing out you could get skewed information if it is an area that is on the boundary of two zoning districts. Mr. Walters indicated he had some problems as we are asking staff to get the Council information and he is not ready to deal with making a determination or giving a definition of saturation point. Mrs. Block indicated her motion is just to ask that the City Council be given information. She stated we have a Comprehensive Plan and the information could be based on that Comprehensive Plan. Mrs. Cates stated that she did not feel that the Council needed to tell the staff how to get the information they are asking for. She indicated the staff has responded to requests in the past, therefore, she sees no need for the substitute motion. The substitute motion was put to a vote which passed with all members voting in the affirmative except Mrs. Block and Mrs. Cates who voted in the negative. The Mayor ruled the motion adopted.

Mr. Walters questioned if the City of Raleigh were to come up with a small lot, single-family zoning, if Mr. Schueneman felt it would be accepted with Mr. Schueneman indicating he felt there is merit for a small lot, single-family neighborhood.

***NORTH CAROLINA HOUSING AGENCY - REQUEST FOR PARTICIPATION - RESOLUTIONS ADOPTED

David Payne was at the meeting to request adoption of a resolution authorizing participation of the North Carolina Housing Agency to construct forty units in the Glenbrook Drive area and a second resolution relating to twelve units on Coleman Drive. Mr. Payne indicated he was representing Clifton Wilson as it relates to the Glenbrook Drive area and Clifton Wilson and G. Henry Temple on the Coleman Drive. He briefly explained the location. City Manager Benton indicated this is part of the process an individual has to go through if they want to utilize North Carolina Housing Finance Agency funding. He indicated this is not a Federally subsidized project. He indicated the property is zoned properly and any project would have to go through the normal development process of the City, therefore, Administration has no objection to adoption of the resolutions as requested. Mr. Walters moved adoption of the two resolutions as requested. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 869

Mr. Walters introduced the following resolution which was read:

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located at Coleman Street in the City of Raleigh, is hereby requested and approved pursuant to G. S. 122A-5(1):

Description of Proposed Project:

12 units located on Coleman Street

RESOLUTION NO. (1985) 870

Mr. Walters introduced the following resolution which was read:

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located at Glenbrook Drive in the City of Raleigh, is hereby requested and approved pursuant to G. S. 122A-5(1):

Description of Proposed Project:

40 units on Glenbrook Drive

***BUILDING PERMITS - OLD MILL STREAM COURT AND BOONE TRAIL - TO BE ISSUED CONDITIONALLY

Bob Carter was at the meeting to explain problems he has encountered relating to receiving building permits in the Old Mill Stream Court and Boone Trail project. He explained the problems surrounding the construction of the road, the desire to post a letter of credit and/or personal guarantee that the road will be complete in order to get building permits on the project. He explained the problems he has encountered in detail and recommended solutions. Lengthy discussion took place after which the City Manager made the following recommendation: It is recommended that 100% of the building permits for lots abutting Old Mill Stream Court be issued under the following condition.

1. That the developer provide $20,000 for the City to hold until the street is completed and accepted by the City and to be forfeited if the street is not completed in twelve months;

2. That the developer provide assurance that the Northwestern Bank has agreed to provide a construction loan of $30,000 for street construction; and

3. That Administration be directed to issue no Certificates of Compliance for buildings abutting Old Mill Stream Court until curb, gutter and base has been installed and accepted by the City. This is consistent with the adopted policy. The City will hold the $20,000 to assure final paving.

City Benton indicated it is Administration's recommendation that up to 100% of the building permits for lots served by Boone Trail be issued under the following conditions:

1. That financial security at 1.5 times the estimated street cost be provided to assure completion; and

2. That the developer agrees to forfeit the security if the street is not completed within twelve months.

The policy was discussed with Mayor Upchurch suggesting if we approve the Manager's recommendation, he would like to refer to Public Works Committee an item to try to come up with a way this type situation would not confront the Council again. City Manager Benton indicated Administration is working on new policies, therefore, the Mayor indicated he would not refer it to Committee. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***RALEIGH LITTLE AMPHITHEATER GROUNDS - REQUEST FOR SOLAR '85 EVENT - REFERRED TO ADMINISTRATION FOR APPROVAL

Mike Nicklos, representing SOLAR '85, was at the meeting to ask the Council to waive the regulations prohibiting the consumption of alcoholic beverages on the Raleigh Little Amphitheater grounds on October 18, 1985, between 6:00 and 9:00 P.M. He explained they hoped to have approximately 2,000 people attending SOLAR '85 and many of these would be attending a pig pickin' with blue grass music, etc., at the Raleigh Little Amphitheater.

City Manager Benton indicated the Code has been modified in the past to allow beer and wine to be served at the Raleigh Little Theatre grounds. He indicated Administration does have some concerns relative to the logistics of the event and would like to have a little more time to work with this group before making this recommendation. Mr. Calloway moved that this item be referred to Administration for report back at the next meeting. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

Mrs. Cates indicated she would like for the City Manager to look at the sound system that this event would be using pointing out this is in a residential neighborhood. Discussion took place with Mr. Walters pointing out if the City Manager is satisfied with the logistics of the event, then he feels that the City Manager should be allowed to issue the permit. After brief discussion, Ms. Babb moved that the City Council reconsider its previous action of referring this item to Administration for report back to Council. Her motion was seconded by Mr. Walters. Mrs. Block pointed out if there are going to be one thousand or more people in the Raleigh Little Theatre, she would not vote to waive the rules for alcoholic beverages with it being pointed out alcoholic beverages are already allowed. The motion to reconsider the action was put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted. Mr. Walters moved that the request for SOLAR '85 activities at the Raleigh Little Amphitheater grounds be referred to Administration and if Administration has no problems, then the permit could be approved. His motion was seconded by Ms. Babb and put to a vote which passed with all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

***CITY MARKET PROJECT - COMMENTS FROM MOORE SQUARE MERCHANTS ASSOCIATION - REFERRED TO THE DOWNTOWN COMMITTEE

Al Brothers, representing the Moore Square Merchants Association, was at the meeting and presented the following prepared statement:

"A crime is about to be committed in Moore Square. Unlike most crimes, the City is taking part in this one, not stopping it. The crime is akin to rape and the victims are the taxpayers and downtown merchants.

Years ago when the City Market Project might have worked many of you on Mayor York's council were concerned that the "festive retailing" development should be carried out without cost to the taxpayers. We were told that Federal Grants and private investors would supply the money and that the City would only act as a catalyst. Today there is no Federal money, there are no investors, yet now this City is about to subsidize a real estate developer with an eight million dollar project. We've been caught napping.

The City Market as a viable economic project is already an abject failure. It's about to get worse. Ponder these questions:

Why does the City give concession after concession to a developer who has failed to produce?

Why was the date of March 6 not observed by the City as the final deadline for the project to go or not go?

Who has benefitted from the tens of thousands of dollars already taken from our coffers without a thing to show for it?

Will the City Market project reduce public drunkenness and prostitution downtown?

How will the City economy be significantly improved by new absentee landlords?

The plan for the City Market was circumspect to start with and has gotten worse. The relationship between the 'consultants' the City paid to study the project and the developer the City chose has continued to raise questions. The present arrangement to develop the City Market is an abberation of its original form. With every failed deadline and broken promise the City has curiously sacrificed more of its resources to the developer. Today, we have a patched up and amended plan that is proceeding more as an act of desperation than a rational solution to a problem. For instance, for 34 years the D. O. Smith Co. has operated and contributed to the downtown economy. Bob Williams, the company president, has been told by the City he will have to move out by December. The truth is there is no tenant to lease the space that D. O. Smith Co. is being forced from. Even more serious, the developer has yet to produce his share of the funds. Is this the way the City rewards its downtown merchants?

To make matters worse, we have no guarantees at all that the only remaining investment incentive, investment tax credits will apply to this project. There is absolutely no logic to the thought process here. City funds are used to 1. obtain the building, 2. City employees carry out eviction, 3. the City loses a contributing business, 4. the empty building is turned over to a developer who has not produced in three years in hopes that he will produce a dependable tenant to open a boutique. Is this the 'local' involvement requested by the City Council of the developer in 1982?

I ask the following of the Council today:

Conduct a public meeting to explain the details to the citizens what the City has committed to the Cranston Corporation.

Take a hard look at what this project has become and the risk you're about to take. Publish a complete accounting of all public funds and employee time spent on this project to date.

Give people a real picture of how many millions the City could end up spending on this project. Not an ideal scenario, but a hard conservative costing.

Lastly, this project is a bomb. In the name of good stewardship drop it before it explodes. Eminent domain offers the City the right to act for the good of all the people not to dabble in private real estate. Lets take 'City' out of City Market and let private enterprise take over. It's better qualified and less costly to the taxpayer."

Mr. Brothers indicated when Resolution 1984 - 506 was adopted, one of its sections indicated the City recognizes the value and contributions of existing small enterprises in the revitalization of Downtown and the resolution also indicates that the developer of the Old City Market would be required to review with the City Council or the Downtown Committee on a case-by-case basis all property subject to be purchased through eminent domain. He called on the Council to remember those portions of the resolution.

Mayor Upchurch indicated he understands Mr. Brothers comments but sometimes we have to really work diligently and take a lot of risk in Downtown revitalizations. He indicated this is one of the hardest things facing cities throughout the nation. He indicated he would like to refer Mr. Brothers' comments to the Downtown Committee for consideration in their deliberations on the City Market project. He stated that the City cannot let our Downtown decay. Mr. Brothers pointed out he is a vested partner and he is not against progress but pointed out he just does not feel the developer incentive is there anymore and he does not like to see his tax money wasted. Without objections, the comments were referred to the Downtown Committee.

***MOBILE HOME PARK - 3 - 82 - BARKER MOBILE HOME ESTATES - PLAN REAFFIRMED

Mayor Upchurch indicated John Culbertson had requested permission to speak relative to the Barker Mobile Home Estates/Kingsborough Mobile Home Cluster Unit Development. He stated, as a point of personal privilege if there was no objection, he would allow Attorney Culbertson to speak.

Attorney Culbertson indicated this involves approximately 54 acres of land off U.S. 64 East. He pointed out in November of 1982, this property was approved (CR-1746) as a rental mobile home park. He indicated in January of 1985 (CR-5382) the same property was approved as Kingsborough Mobile Home Cluster Unit Development (S-9-85). He pointed out this is the same tract of land. He indicated his request is that the City Council allow staff to proceed to process the plans, maps, etc., as approved in November of '82 (CR-1746), that is, reaffirm the original plan which provided for rental space rather than the latest plan which provided for sale of lots. He indicated they have 265 lots and they are ready to rent and pointed out this property was annexed into the City of Raleigh.

Discussion took place with Associate City Attorney Botvinick explaining the two approvals pointing out staff normally processes the latest plan presented on a tract of property and this request is just to allow staff to consider the original plan rather than the latest. He pointed out both plans were preliminary plans and Attorney Culbertson just wants to proceed with finalizing the original plan, that is, the rental lots. Ms. Babb questioned if it would accurate to say that if this original plan came in today, the Council would have no problem approving it with Attorney Botvinick indicating that is correct. Mr. Walters questioned if staff could assure there would be no nonconformities with it being pointing out there are no units on any of the property at this time. Ms. Babb moved the Council reaffirm approval of MHP-3-82 as presented by CR-1746 on November 2, 1982, as the plan for this property. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

***SIDEWALK INSTALLATION - MILBURNIE ROAD - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of sidewalks on the north side of Milburnie Road from Raleigh Boulevard west to the existing sidewalk. Chief Engineer Thomas explained the project. He indicated he had received a call from the Director of the Boys Club and they are willing to cooperate with the proposed improvement. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the project as outlined. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 871

A RESOLUTION DIRECTING THAT SIDEWALK IMPROVEMENTS BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property assessable therefor pursuant to Section 6.44 of the Raleigh City Charter and Article 10 of the Chapter 160A of the General Statutes of North Carolina:

Installation of sidewalks on the north side of Milburnie Road from Raleigh Boulevard west to existing sidewalk.

Section 2. That the improvements shall be of concrete and shall be made in conformity with rules, regulations and specifications of the City of Raleigh.

Section 3. When a sidewalk is constructed on only one side of the street, the entire cost thereof shall be assessed against the property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which was assessed against the abutting property.

Section 4. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the

City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Adopted: 7/16/85

***ASSESSMENT ROLL 696 - PEACH ROAD - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming costs as outlined in Assessment Roll 696 for street improvements on Peach Road according to charges outlined in Resolution 1985 - 852 adopted on June 18, 1985. Chief Engineer Thomas pointed out the improvements that have been made. The Mayor opened the hearing. No one asked to heard, thus the hearing was closed. Mrs. Block moved adoption of a resolution confirming charges as outlined. Her motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 872.

***ASSESSMENT ROLL 1021 - NEWTON ROAD - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges outlined in Assessment Roll 1021 relating to the installation of a sewer main in Newton Road according to charges outlined in Resolution 1985 - 853 adopted June 18, 1985. Chief Engineer Thomas explained the improvements that have been made. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mrs. Cates moved adoption of a resolution confirming charges as outlined. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 872

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLL 696 AND SEWER ASSESSMENT ROLL 1021

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 16th day of July, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985 - 852 and 853 adopted on the 18th day of June, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Roll 696 and Sewer Assessment Roll 1021," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 7/16/85

***STREET NAME CHANGE - WINTON ROAD TO ATLANTIC AVENUE - HEARING - RESOLUTION CHANGING NAME ADOPTED; PEDESTRIAN ACCESS ON ATLANTIC AVENUE - REFERRED TO ADMINISTRATION

This was a hearing to consider changing the name of Winton Road to Atlantic Avenue to provide for a continuous major thoroughfare of the same name connecting Spring Forest and Litchford Roads to Old Wake Forest Road. Planning Director Chapman explained the proposed name change of Winton Road to Atlantic Avenue. He pointed out Winton Road is currently connected to Atlantic Avenue on the south and upon completion of Atlantic Avenue to the north, there will be one continuous major thoroughfare

connecting Spring Forest and Litchford Roads to Old Wake Forest Road. Administration feels it would be appropriate to adopt one name for this thoroughfare. Since the Atlantic Avenue project, currently under construction, is significantly longer than the existing Winton Road, the proposal has been made to rename Winton Road to Atlantic Avenue. He stated there are currently more commercial addresses on Atlantic Avenue than on Winton Road. Mr. Chapman indicated all property owners have been notified and the City received three responses and two were in favor of retaining the name of Winton Road. The Mayor opened the hearing to the public.

Ben Taylor indicated he represented several clients on this thoroughfare and everyone has been following the construction for a number of years and he feels that everyone is in favor of the name change to Atlantic Avenue pointing out no one ever thought it would be named anything else. Gail Segal, a property owner on Winton Road, indicated she feels the people on Winton Road have already been greatly inconvenienced and have not been given any consideration. She indicated Winton Road was a short, dead end street and all of a sudden it has become a major thoroughfare. She indicated no consideration has been given to pedestrians at all as there are no sidewalks. She stated they have already been inconvenienced enough and do not feel that they should be inconvenienced by having to change their street addresses, etc. In response to questioning, Ms. Segal indicated she did not live on Winton Road but is a property owner. Mrs. Block pointed out this is a thoroughfare and and questioned why we did not have sidewalks. Mrs. Cates indicated she had asked about sidewalks on Atlantic Avenue already pointing out it is her understanding that we didn't require sidewalks. No one else asked to be heard, thus the hearing was closed.

In response to questioning, Planning Director Chapman indicated Administration recommends that the name change be effective November 30, 1985. Mrs. Block pointed out she knows it is the residents responsibility to make notification, say to the telephone company, etc., and she wonders if the November 30 date is time enough to make the new telephone book. It was pointed out November 30 would be the effective date but notification would go out earlier. Mr. Walters moved approval of the name change of Winton Road to Atlantic Avenue effective November 30 and that the sidewalk issue be referred to Administration to look at the need for sidewalk and other pedestrian ways. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***DOWNTOWN EAST/EAST SIDE REDEVELOPMENT PLAN - OLD CITY MARKET REDEVELOPMENT AMENDMENT - HEARING - APPROVED

This was a hearing to receive citizen input on the proposed revision to the Old City Market Redevelopment Amendment to the Downtown East/East Side Redevelopment Plan. Planning Director Chapman indicated this amendment relates to the deletion of two properties from the Old City Market Redevelopment Amendment pointing out it would reduce the project by the size of these two properties and also cause a reduction in the land acquisition cost of some $40,000. City Manager Benton, in response to questioning, indicated this amendment is needed to interface the housing and retail projects together better. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed.

Brief discussion took place as to whether this will have any effect on any relocation activities or help that the City provides with Mr. Keller indicating on Page 11 of the report, there is a footnote about the possibility of offices at street level pointing out if this would help Mr. Brothers. Planning Director Chapman indicated it becomes a process of negotiation between the tenants and the developers. He indicated he could pertain to Mr. Brothers' situation. After brief discussion, Mr. Walters moved approval of the revision to the Old City Market Redevelopment Amendment to the Downtown East/East Side Redevelopment Plan as presented. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 892

RESOLUTION TO AMEND THE OLD CITY MARKET REDEVELOPMENT PLAN AMENDMENT TO THE DOWNTOWN EAST/EAST SIDE REDEVELOPMENT PLAN.

WHEREAS, the City is undertaking a comprehensive program of redevelopment in the Downtown East/East Side Area involving public and private sector cooperation; and

WHEREAS, in pursuance of that program, the Raleigh Council adopted the Old City Market Redevelopment Plan Amendment to the Downtown East/East Side Redevelopment Plan on April 19, 1984 (Resolution (1984)-506) and revised after due process and public hearing on December 18, 1984 (Resolution (1984)-678); and

WHEREAS, due to changing financial conditions and agreements between the City and other parties involved with the Old City Market Redevelopment Project minor alteration sin the Plan adopted on April 19, 1984 and subsequently revised on December 12, 1984 are required; and

WHEREAS, on July 16, 1985, after due process and public hearing the City Council approved said alterations as further amendments to the Old City Market Redevelopment Plan by a vote of 8 ayes and 0 noes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The Amendment to the Old City Market Redevelopment Plan is hereby adopted and amended to the Downtown East/East Side Redevelopment Plan and that the City will undertake redevelopment and public improvements proposed by the Plan in accordance with the provisions therein and applicable State and Federal laws.

Section 2. Except for the sections amended, the remainder of the Plan adopted by Resolution (1984)-506 and Resolution (1984)-678 will remain in effect.

Adopted: 7/16/85

***ANNEXATION - LAYTON GLEN - HEARING - ORDINANCE ADOPTED ANNEXING AREA EFFECTIVE DECEMBER 31, 1985

This was a hearing to consider the contiguous annexation of property known as Layton Glen. The hearing is pursuant to petition, advertisement, and notification as required by law. Planning Director Chapman explained the proposed annexation. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mrs. Cates moved adoption of an ordinance annexing the property effective December 31, 1985, and adoption of a resolution placing this property in City Council Electoral District E. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 611

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS LAYTON GLEN

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing be metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on July 16, 1985, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1985:

Beginning at a point lying the right-of-way of Pleasant Grove Church Road and being approximately 353' 6" west of the N.W. corner of Glendower and Pleasant Grove Church Road proceed north 86 degrees, 41' 30" west 338.83' to a point; thence north 06 degrees 51' 27" east 198.44' to a point; thence north 84 degrees 59' 10" west 114.88' to a point; thence north 88 degrees 52' 56" west 115.30' to a point; thence north 06 degrees 46' 55" east 151.68' to a point; thence north 06 degrees 42' 30" east 391.42' to a point; thence north 06 degrees 38' 20" east 275.05' to a point; thence south 84 degrees 11' 25" east 183.62' to a point; thence north 06 degrees 08' 40" east 450.38' to a point; thence south 83 degrees 51' 00" east 350.14' to a point; thence south 05 degrees 11' 21" west 1439.02 to a point of beginning.

Section 2. It begin understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1985.

Adopted: 7/16/85

Effective: 12/31/85

RESOLUTION NO. (1985) 873

A RESOLUTION TO AUTHORIZE THE INCLUSION OF LAYTON GLEN IN DISTRICT E AND STONEHENGE MARKET IN CITY ELECTORAL DISTRICT A

WHEREAS, The City Council of the City of Raleigh did, by Ordinance No. (1985) 611 and 612 adopted July 16, 1985, annex a parcel of land being commonly referred to as Layton Glen and Stonehenge Market; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E (Layton Glen) and District A (Stonehenge Market) is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Layton Glen and Stonehenge Market as described in Ordinance No. (1985) 611 and 612 be added to City Electoral Districts E and A.

Adopted: 7/16/85

***ANNEXATION - STONEHENGE MARKET - HEARING - ORDINANCE ADOPTED ANNEXING AREA EFFECTIVE DECEMBER 31, 1985

This was a hearing to consider the contiguous annexation of property known as Stonehenge Market. The hearing is pursuant to petition, advertisement, and notification as required by law. Planning Director Chapman explained the proposed petitioned annexation. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of an ordinance annexing the area effective December 31, 1985, and adoption of a resolution placing the property in City Council Electoral District A. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 873.

ORDINANCE NO. (1985) 612

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS STONEHENGE MARKET PLACE

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on July 16, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1985:

BEGINNING at the intersection of the eastern 60' right-of-way of NC 50 and the southern 60' right-of-way of Bridgeport Drive; thence along said southern right-of-way of Bridgeport Drive N 86° 38' 08" E a distance of 658.83'; thence along a curve to the left having a radius of 1517.08' an arc length of 14.51' to a point on the southern right-of-way of Bridgeport Drive; thence along the common property line between Stonehenge Market Place and proposed Stonehenge Apartments 503° 54' 45" E a distance of 1271.63' to the northern 60' right-of-way of Stonehenge Drive and along the northern right-of-way of Stonehenge Drive the following courses and distances: N 80° 04' 20" W a distance of 68.61'; then along a curve to the left having a radius of 1953.18' an arc length of 504.97'; thence 585° 06' 53" W a distance of 60.83'; thence along a curve to the right having a radius of25.00' an arc length of 39.27' to a point on the eastern right-of-way of NC 50; thence 504° 53' 07" E a distance of 110.00' along the eastern right-of-way of NC 50 to a point on the eastern right-of-way of NC 50; thence along a curve to the right having a radius of 25.00' an arc length of 39.27' to a point on the southern right-of-way of Stonehenge Drive; thence N 85° 06' 53" E a distance of 15.00' along the southern right-of-way of Stonehenge Drive; thence along a curve to the left having a radius of 25.00' an arc length of 39.27'; thence 504° 53' 07" E a distance of 293.59' parallel to NC 50; thence 582° 07' 34" W a distance of 76.09' to a point; thence N 04° 53' 07" W a distance of 1620.98' parallel to the centerline of NC 50 to a point on the centerline of Howard Road; thence N 04° 53' 40" W a distance of 30.01' to a point; thence across the right-of-way of NC 50, N 86° 38' 08" E a distance of 61.01' to the intersection of the northern right-of-way of Bridgeport Drive and the eastern right-of-way of NC 50; thence along the eastern right-of-way of NC 50 504° 53' 23" E a distance of 60.02' to the point and place of beginning. Said tract containing 21.01 acres according to a map by Surveying Associates Inc., dated 5-24-85.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of the State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1985.

Adopted: 7/16/85

Effective: 12/31/85

***UNSAFE BUILDING - 225 SOUTH BLOODWORTH STREET - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adopting an ordinance declaring the building at 225 South Bloodworth Street unsafe and directing that it be demolished. The property is in the name of Vanco Jones. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of an ordinance declaring the building unsafe as recommended. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-607

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 225 SOUTH BLOODWORTH STREET IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Vanco Jones	225 South Bloodworth Street

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective July 16, 1985.

Adopted: 7/16/85

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

The Planning Commission Consent Agenda was presented with Mayor Upchurch indicating it would be handled in the same manner as the regular Consent Agenda. It was pointed out that areas that are within flood-prone areas or are located within the Falls Basin are so designated on the Agenda. Mrs. Cates requested to be excused from participation in CR-5660 (S-114-85) and to withdraw CR-5658 (S-111-85). Mr. Walters requested to withdraw CR-5653 (SC-30-85). Mr. Congleton withdrew CR-5668 (Z-60-85). Mr. Keller withdrew CR-5648 (PA-89-85). Without objection, these items were pulled from the Consent Agenda and Mrs. Cates was excused from participation in CR-5660. Mr. Walters moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows.

***PA-59-85 - CROWN SERVICE STATION - APPROVED WITH CONDITIONS

This was a request for approval to remove an existing service station and construct a new service station of 672 square feet on .673 acre, zoned Neighborhood Business.

The property is located at the intersection of Hillsborough and Faircloth Streets, inside the City Limits.

CR-5547 from the Planning Commission recommended that this request be approved according to a map entitled, "Existing Plot Plan Located at Hillsborough, Faircloth, and Clark Streets, Raleigh, N.C.," the property of Crown Central Petroleum Corporation, drawn by R. R. Morris, dated March 27, 1985, with the condition that one driveway (the furthest west driveway on Hillsborough Street) be removed by restoring

curb and gutter along the driveway, and landscaping behind the curb. In addition, it is recommended that the City enter into an agreement approved by the City Attorney's Office with Crown Central Petroleum Corporation prior to building permits being issued to close the driveway on Faircloth Street, pursuant to the approved construction plans for Gorman Street, and landscape behind the new curb on Gorman Street at the time of commencement of construction of Gorman Street at this intersection. Consent Agenda approval: Walters/Babb - 8 ayes.

***PA-78-85 - MARRIOTT COURTYARD HOTEL - APPROVED WITH CONDITIONS

This was a request for approval to construct a 153-room, 84,000 square foot hotel on a 4.69-acre, undeveloped parcel, zoned Office and Institution-II.

The property is located on the west side of Wake Forest Road and on the north side of Wake Towne Drive, inside the City Limits.

CR-5640 from the Planning Commission recommended that this request be approved according to a map entitled, "Marriott Courtyard Hotel," the property of Marriott Corporation, drawn by Kimley-Horn and Associates, Incorporated, dated May 31, 1985, with the following conditions: (1) That the subdivision of the property be approved and recorded as shown on the site plan prior to issuance of building permits; and (2) that a detailed landscaping plan which addresses the protection of a substantial stand of hardwoods be approved by Staff prior to the issuance of grading permits. Consent Agenda approval: Walters/Babb - 8 ayes.

***PA-80-85 - GREYSTONE VILLAGE OFFICE PARK CONDOMINIUMS - APPROVED

This was a request for approval to construct five office buildings at 12,000 square feet each (total of 60,000 square feet) on eight undeveloped acres, zoned Office and Institution-III.

The property is located north of the intersection of the relocated portion of Leadmine Road and Old Leadmine Road, outside the City Limits.

CR-5641 from the Planning Commission recommended that this request be approved according to a map entitled, "Greystone Village Office Park," the property of Ammons Construction Company, drawn by Jerry Turner and Associates, dated June 3, 1985, revised July 19, 1985. Consent Agenda approval: Walters/Babb - 8 ayes.

***PA-81-85 - JIFFY LUBE - APPROVED

This was a request for approval to construct a 1,890 square foot building on a .44-acre undeveloped lot, zoned Neighborhood Business.

The property is located on the east side of South Saunders Street and on the south side of Parkland Road, inside the City Limits.

CR-5642 from the Planning Commission recommended that this request be approved according to a map entitled, "Jiffy Lube," the property of Evergreen Management Corporation, drawn by Bass, Nixon and Kennedy, dated April 25, 1985. Consent Agenda approval: Walters/ Babb - 8 ayes.

***PA-82-85 - WEST CHASE EXECUTIVE CENTER - APPROVED

This was a request for approval to construct a 78,000 square foot, 52-foot, 8-inch, four-story office building on 5.02 undeveloped acres, zoned Office and Institution-I.

The property is located on SR-1336, which is an entrance to Carter Stadium, just west of Blue Ridge Road and adjacent to the southern right-of-way of I-40, outside the City Limits.

CR-5643 from the Planning Commission recommended that this request be approved according to a map entitled, "West Chase Executive Center," developed by West Chase I Associates, drawn by Jenkins-Peer Associates, dated May 29, 1985. Consent Agenda approval: Walter/Babb - 8 ayes.

***PA-83-85 - SPRINGFIELD CENTER III CONDOMINIUMS - APPROVED

This was a request for approval to construct ten office buildings with a total of 103,200 square feet on 12.74 acres which are undeveloped and zoned Office and Institution-III.

The property is located on the west side of proposed Spring Forest Road, across from the Ridgefield Road intersection and west of Falls of Neuse Road, inside the City Limits.

CR-5644 from the Planning Commission recommended that this request be approved according to a map entitled, "Springfield Center III," developed by Linpro Carolina, Incorporated, drawn by Ballentine Associates, dated June 1, 1985. Consent Agenda approval: Walters/ Babb - 8 ayes.

***PA-86-85 - STARMOUNT SHOPPING CENTER ADDITION - APPROVED

This was a request for approval to locate a sanitary sewer line and to pave a service drive in a Conservation/Buffer District and to relandscape the Conservation/Buffer

adjacent to the areas of disturbance.

The property is located at the intersection of U.S. 1 North and Starmount Drive, inside the City Limits.

CR-5645 from the Planning Commission recommended that this request be approved according to a map entitled, "Starmount Shopping Center Addition," the property of J. T. Hobby, drawn by George Finch, ASLA, dated July 3, 1985. Consent Agenda approval: Walters/Babb - 8 ayes.

***PA-87-85 - STONY BROOK APARTMENTS PHASE II REVISIONS

This was a request for approval to relocate buildings on a previously approved site plan (PA-111). The site is nine acres (second phase of a three-phase project), zoned Office and Institution-II; 45 units are requested. Utilities and parking areas have been installed.

The property is located on the east side of Brentwood Road, north of Timberlake Drive, inside the City Limits.

CR-5646 from the Planning Commission recommended that this request be approved according to a map entitled, "Stony Brook Apartments, Phase II, Revised Building Layout," the property of J. W. York Company, drawn by John Edwards and Company, dated June 3, 1985. Consent Agenda approval: Walters/Babb - 8 ayes.

***PA-93-85 - WINTERS PARKING LOT - APPROVED

This was a request for approval to construct a 154-space parking lot on a 1.3 acre tract, zoned Residential-20 and Neighborhood Business, located in a redevelopment area.

The property is located at the northwest intersection of Martin Street and Tarboro Road, inside the City Limits.

CR-5649 from the Planning Commission recommended that this request be approved according to a map entitled, "Winters Parking Lot," the property of John W. Winters and Company, drawn by Jerry Turner and Associates, dated July 1, 1985. Consent Agenda approval: Walters/ Babb - 8 ayes.

***SC-27-85 - McDONALD'S CORPORATION - APPROVED WITH CONDITIONS

This was a request for approval of a McDonald's restaurant with a drive-in window on a separate lot of .94 acre, zoned Shopping Center, which is currently a parking lot for the K-Mart. The lot was previously included in SC-76, the original K-Mart site plan approval..

The property is located at the K-Mart on U.S. 1 North, at the intersection of Old Wake Forest Road extended and U.S. 1 North, outside the City Limits.

CR-5650 from the Planning Commission recommended that this request be approved according to a map entitled, "McDonald's Corporation," the property of McDonald's Corporation, drawn by McDonald's Corporation, dated June 20, 1985, with the following conditions: (1) That a cross-access agreement, approved by the City Attorney's Office, with K-Mart be executed prior to issuance of building permits; (2) that no permits be issued for signs until a sign criteria is approved for the entire shopping center and the proposed ground sign and wall signs for McDonald's are approved by the City Administration as consistent with this criteria; (3) that a detailed landscaping plan be submitted and approved by the Planning Director prior to the issuance of a building permit; and, (4) that the entrance at the southern corner be made one-way out, 16-feet wide. Consent Agenda approval: Walters/Babb - 8 ayes.

***SC-28-85 - WAKEFIELD VILLAGE SHOPPING CENTER ADDITION - APPROVED

This was a request for approval to add to an existing shopping center, previously approved (SC-110), by 5,600 square feet±, on a site of 7.8 acres, zoned Shopping Center.

The property is located along Sunnybrook Road, near New Bern Avenue and the Wake County Hospital, inside the City Limits.

CR-5651 from the Planning Commission recommended that this request be approved according to a map entitled, "Wakefield Village Shopping Center - Phase III," the property of Ellison Properties Group, drawn by Angster Associates, dated June 18, 1985. Consent Agenda approval: Walters/Babb - 8 ayes.

***SC-29-85 - FESTIVAL AT SIX FORKS - APPROVED WITH CONDITIONS

This was a request for approval to revise a previously approved plan (SC-4-85) to renovate and expand an existing shopping center. The revision relocates and expands one "out parcel" building, reduces the overall square footage from 137,306 square feet to 129,310 square feet, alters the landscaping plan; and proposes sign criteria.

The property is located at the corner of Six Forks and Sawmill Roads, inside the City Limits.

CR-5652 from the Planning Commission recommended that this request be approved according to a map entitled, "Festival at Six Forks," the property of Festival Associates, drawn by Robert Shields, dated April 15, 1985, with the following conditions: (1) That storm drainage is approved by the City Engineering Department and, along Six Forks Road, by the State Department of Transportation prior to construction of storm drainage in Six Forks Road; (2) that the sign criteria be amended to (a) limit the shopping center to one identification sign, with no separate ground signs for each out parcel; and (b) that the wall signs for the out parcels be of white letters, with background, molding, or casing of any color approved under "A. Tenant Signage" or "B. Shopping Center Sign"; (3) that the predominant building material on each out parcel shall be either of the brick treatments shown on the "Material and Color Chart, July, 1985," the color and design of any awning, canopy, mansard roof, or other architectural roof-line treatments shall comply with the canopy colors shown on "Material and Color Chart, July, 1985"; and, (4) that replanting of areas graded in the previously approved buffer area (SC-4-85) take place within 30 days of City Council approval. Consent Agenda approval: Walters/Babb - 8 ayes..

***SC-31-85 - LONGVIEW SHOPPING CENTER ADDITIONS - APPROVED WITH CONDITION

This was a request for approval to expand an existing shopping center by removing two buildings, relocating parking, and adding 10,000 square feet of shops, on a site of 5.7 acres, zoned Shopping Center, which has been previously approved as SC-229.

The property is located at the intersection of King Charles Road and New Bern Avenue, inside the City Limits.

CR-5654 from the Planning Commission recommended that this request be approved according to a map entitled, "Proposed Shop Addition for Longview Gardens Shopping Center," the property of Kerbby Partnership, drawn by Carl Smith, dated June 21, 1985, with the condition that there be a six-inch water line from King Charles Road to the new additions. Consent Agenda approval: Walters/Babb - 8 ayes.

***SC-32-85 - LONGVIEW SHOPPING CENTER SIGN CRITERIA REVISION - APPROVED

This was a request for approval to revise the previously approved sign criteria (SC-229) to allow one major tenant to use individual letters or a sign "cabinet"; allow a wider range of letter styles; allow other copy on the canopy sign than the trade name and logo; and allow for sign "cabinets" for signs for non-primary tenants.

The property is located at the Longview Shopping Center on New Bern Avenue, inside the City Limits.

CR-5655 from the Planning Commission recommended that this request be approved according to a document entitled, "SIGN CRITERIA, Longview Shopping Center, 6/25/85," the property of Kerbby Partnership, applied for by Chris Woody. Consent Agenda approval: Walters/ Babb - 8 ayes.

***SUBDIVISION S-107-85 - RIVER LANDINGS - APPROVED WITH CONDITION

This was a request for approval to subdivide a 34.3 acre tract, zoned Residential-4, into 82 lots.

The property is located on the southeast side of Buffaloe Road, adjoining the Neuse River, outside the City Limits.

CR-5656 from the Planning Commission recommended that this request be approved according to a map entitled, "River Landings," the property of Allen Construction Company, Incorporated, submitted by Chance-Cory Associates, revised date June 30, 1985, with the condition that the development plans be in accordance with the Perry Creek Stormwater Management Policy; and that the greenway easement dedication be accepted as shown on the plan. Consent Agenda approval: Walters/Babb - 8 ayes.

***SUBDIVISION S-108-85 - GADLAND COURT TOWNHOUSES, LOT 2 - APPROVED WITH CONDITION

This was a request for approval to construct and subdivide 12 townhouse units on a 1.25 acre tract, zoned Residential-10.

The property is located on the south side of Lynn Road, west of Six Forks Road, inside the City Limits.

CR-5657 from the Planning Commission recommended that this request be approved according to a map entitled, "Gadland Court Townhouses, Lot 2," the property of Gadland Group, submitted by Billups and Associates, dated May 13, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats. Consent Agenda approval: Walters/Babb - 8 ayes.

***SUBDIVISION S-113-85 - MAGNOLIA COURT, LOTS 3 THROUGH 9 - APPROVED WITH CONDITIONS

This was a request for approval to construct and subdivide 27 townhouse units on 4.58 acres, zoned Residential-6.

The property is located at the northern end of Magnolia Court on the north side of Lynn Road, between Leadmine and Six Forks Roads, inside the City Limits.

CR-5659 from the Planning Commission recommended that this request be approved according to a map entitled, "Combination of Lots 3-9, Magnolia Court," the property of Key Homes of Greensboro, Incorporated, submitted by Evans Engineering, Incorporated, revised date June 21, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and, (2) that a recombination map for Lots 3 through 9 be recorded prior to the issuance of any building permits. Consent Agenda approval: Walters/Babb - 8 ayes.

***SUBDIVISION S-114-85 - IDYLLWOOD CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITION

This was a request for approval of a two-phase cluster unit development. Phase I consists of 17.83 acres (13.13 acres of Residential-4 and 4.7 acres of Residential-6) with 27 single-family lots. Phase II consists of 54.19 acres (7.8 acres of Residential-4 and 46.39 acres of Residential-6) with 53 single-family lots and 274 multi-family dwellings.

The property is located at Arden Circle which runs off the south side of Ebenezer Church Road, outside the City Limits.

CR-5660 from the Planning Commission recommended that this request be approved according to a map entitled, "Idyllwood Cluster Unit Development," the property of Lightfoot Investments, Incorporated, drawn by Paton-Zucchino and Associates, dated July 1, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats. Consent Agenda approval: Consent Agenda approval: Walters/Babb - 7 ayes (Mrs. Cates excused during vote on the Consent Agenda).

***SUBDIVISION S-116-85 - EAST RIDGE COMMERCE PARK - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 93.3 acre tract, zoned Industrial-I, into 109 lots.

The property is located south of Beacon Lake Subdivision on the south side of U.S. 64 East, just east of the Beltline, inside the City Limits.

CR-5661 from the Planning Commission recommended that this request be approved according to a map entitled, "East Ridge Commerce Park, Raleigh, N.C.," the property of Carroll H. Matthews, submitted by McNeely and Associates, dated June 3, 1985, with the following conditions: (1) That financial measures are made by the developer to secure the improvements on Commerce Parkway from its proposed terminus to the northwestern property line; and, (2) that the area indicated on the plan be reserved or dedicated for greenway. Consent Agenda approval: Walters/Babb - 8 ayes.

***S-117-85 - RIVERBEND AT LAKESIDE CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 13 single-family units and 44 townhouse units in a cluster unit development on a 21.35 acre tract which is zoned Residential-4.

The property is located south of River Bend Plantation, east of Buffaloe Road, adjoining the Neuse River, outside the City Limits.

CR-5662 from the Planning Commission recommended that this request be approved according to a map entitled, "Riverbend at Lakeside," the property of Ken Allen Construction Company, Incorporated, submitted by Chance-Cory Associates, dated June 30, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and, (2) that stormwater management plans be submitted and approved with engineering drawings; and that areas shown on the plan as dedicated for greenways be accepted. Consent Agenda approval: Walters/Babb - 8 ayes.

***SUBDIVISION S-118-85 - SPRING PINES CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITION

This was a request for approval to develop as a cluster unit development 27.79 undeveloped acres, zoned Residential-6, to consist of 120 single-family lots.

The property is located on the west side of Spring Forest Road, south of the intersection with Fox Road, outside the City Limits.

CR-5663 from the Planning Commission recommended that this request be approved according to a map entitled, "Spring Pines Cluster Unit Development," to be developed by Eastman-Strickland Developers, drawn by Paton-Zucchino and Associates, dated June 21, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats. Consent Agenda approval: Walters/Babb - 8 ayes.

***SUBDIVISION S-119-85 - SAINT REGIS CONDOMINIUMS - APPROVED

This was a request for approval to construct and subdivide 192 residential condominium units on a 10.37 acre tract, zoned Thoroughfare District.

The property is located between Farmgate Road and I-40, just west of Buck Jones Road, outside the City Limits.

CR-5664 from the Planning Commission recommended that this request be approved according to a map entitled, "Saint Regis Condominiums," the property of The American II Group, Incorporated, submitted by McNeely and Associates, dated June 21, 1985. Consent Agenda approval: Walters/Babb - 8 ayes.

***SUBDIVISION S-120-85 - EAST HARMON TRACT CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 46.76 acre tract, zoned Residential-6, into a 173-lot, single-family cluster unit development..

The property is located on the east side of Litchford Road at its intersection with Harps Mill Road, outside the City Limits.

CR-5665 from the Planning Commission recommended that this request be approved according to a map entitled, "East Harmon Tract, Raleigh, N.C.," the property of Frank Benson, submitted by John A. Edwards and Company, dated June 3, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and, (2) that the area indicated on the plan be reserved or dedicated for greenway. Consent Agenda approval: Walters/Babb - 8 ayes.

***REZONING Z-90-84 - REQUEST FOR WAIVER - APPROVED

This was a request for approval of waiver of the two-year zoning waiting period on Z-90-84.

CR-5667 from the Planning Commission recommended that the two-year zoning waiting period on Z-90-84 be waived. Consent Agenda approval: Walters/Babb - 8 ayes.

***SUBDIVISION S-142-85 - GREYSTONE VILLAGE OFFICE PARK CONDOMINIUMS - APPROVED

This was a request for approval to construct five office condominium buildings at 12,000 square feet each (total of 60,000 square feet) on eight undeveloped acres zoned Office and Institution-III.

CR-5670 from the Planning Commission recommended that this request be approved according to a map entitled, "Greystone Village Office Condominiums," the property of Ammons Construction Company, drawn by Jerry Turner and Associates, dated June 3, 1984, revised July 19, 1985. Consent Agenda approval: Walters/Babb - 8 ayes.

***SUBDIVISION S-143-85 - SPRINGFIELD CENTER III CONDOMINIUMS - APPROVED

This was a request for approval to construct ten office condominium buildings with a total of 103,200 square feet on 12.74 acres which are undeveloped and zoned Office and Institution-III.

CR-5671 from the Planning Commission recommended that this request be approved according to a map entitled, "Springfield Center III Condominiums," the property of Linpro Carolina, drawn by Ballentine Associates, dated June 1, 1985. Consent Agenda approval: Walters/ Babb - 8 ayes.

**** END OF PLANNING COMMISSION CONSENT AGENDA ****

***PA-89-85 - HARRELSON PARK - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to construct a 16,000 square foot building on a 2.9 acre parcel, zoned Neighborhood Business and Residential-10. An existing house on the site will be removed, and an accessory building will remain.

The property is located on the south side of Western Boulevard, west of the intersection with Buck Jones Road, outside the City Limits.

CR-5648 from the Planning Commission recommended that this request be approved according to a map entitled, "Harrelson Park," developed by James E. Harrelson, drawn by Buildspec, Incorporated, dated March 13, 1985, revised June 21, 1985, with the condition that an encroachment agreement, stipulating that the building encroaching into the proposed Western Boulevard Extension right-of-way will be removed at no cost to the City prior to commencement of construction of that section of Western Boulevard, is approved by the City Attorney's Office prior to issuance of building permits.

Mr. Keller indicated he wanted this item to go to Committee as part of the property is not owned by the applicant and he would like to look at it a little closer. Therefore, he would like to refer the matter to the Law and Finance Committee. Without objection, the item was so referred.

***SC-30-85 - WEST OF THE RANCH REVISION - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to revise the proposed building shown on Lot 2 from retail to a motel of 140 sleeping units (rooms) maximum, zoned Shopping Center and Office and Institution-I, on a lot of 1.77 acres, previously approved as SC-266, PA-280.

The property is located on U.S. 70 West, south side, adjoining the Ranch Motel, inside the City Limits.

CR-5653 from the Planning Commission recommended that this request be approved according to a map entitled, "Revisions to a Portion of Lot 2, West of the Ranch," the property of The Coach and Space Doctor, drawn by McNeely Associates, dated June 3, 1985, with the following conditions: (1) That a recombination map be recorded indicating the new boundary between Lots 1 and 2 prior to building permits being issued on Lot 2; (2) that a public water line to Lot 2 be approved by the Public Utilities Department; and, (3) that a sign criteria for Lots 1 and 2 together be approved by the City Council prior to occupancy of any building on these lots.

Planning Director Chapman explained the proposed subdivision and Mr. McNeely explained the Planning Commission's discussion. Mr. Walters pointed out this is two separate lots with two separate individual owners and questioned how the City could require combining the sign criteria. He indicated the applicants had no problems with Conditions 1 and 2 but Condition 3 relating to the sign criteria did give them some problems. Lengthy discussion took place with Planning Director Chapman explaining the criteria for signs relates to a total shopping center and cases whereby the sign criteria has been established by a property owner and lots sold off with Mr. Walters pointing out he just does not understand how we can make two separate property owners combine their sign criteria. T. Ed Bailey indicated Fat Daddy's Restaurant is ready to open in about 45 days. He indicated that is owned by Thad Eure and others. He indicated the property he owns is going to be the location of a hotel but at this point, that is vacant as he does not know who the franchisee for the hotel will be. He indicated he cannot commit them to color, size, etc. He pointed out these are two separate tracts and have always been two separate tracts with Planning Director Chapman indicating there is an approved shopping center plan on the property before it was purchased by the two individual property owners. Thad Eure, Jr., 1022 Marlowe Road, indicated he hopes to open his restaurant around September 15. He stated he wanted to comply with the sign ordinance, etc., and all he wants to do is to put a sign up. He presented a photo of the proposed sign. He indicated he and Mr. Bailey do not have any problems. He just wants to put up his sign. Discussion took place with Ms. Babb pointing out there are two separate lots, two separate ownerships, therefore, she would like to know why Administration is treating it as one shopping center with Mr. Chapman indicating originally it came to the City as one shopping center plan. Jerry Cook briefly explained the work that had been done on this property - the original shopping center plan, the sale of the property, change of plans, etc. Mr. Bailey suggested going ahead and approving the sign for Fat Daddy's and let his portion go to Committee. After brief discussion, Mrs. Cates moved that SC-30-85 be referred to the Law and Finance Committee. Without objection, this item was so referred.

***SUBDIVISION S-111-85 - NORTH BOULEVARD INDUSTRIAL PARK - APPROVED WITH CONDITION

This was a request for approval to subdivide a 6.95 acre tract, zoned Industrial-I, into five lots.

The property is located on the north side of Millbrook Road at its intersection with Atlantic Avenue, inside the City Limits.

CR-5658 from the Planning Commission recommended that this request be approved according to a map entitled, "North Boulevard Industrial Park," the property of North Boulevard Industrial Park, submitted by Chance-Cory Associates, revised date July 2, 1985, with the condition that the area indicated on the plan be dedicated or reserved as a greenway easement.

Mrs. Cates indicated she had requested that this item be pulled from the Consent Agenda pointing out she wanted to make sure that the conditions indicate that the area be dedicated as a greenway easement rather than just reserved. With that comment, Mrs. Cates moved approval. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-60-85 - OLD WAKE FOREST ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 5.1 acres from Residential-6 to Office and Institution-I.

CR-5668 from the Planning Commission recommended that Z-60-85 be approved as requested.

Mr. Congleton indicated he withdrew this item from the Consent Agenda indicating he had some questions he would like to look at, therefore, he would ask that rezoning Z-60-85 be referred to Law and Finance Committee. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-76-85 - QUARTZ COURT - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 8.5 acres from Residential-4 to Residential-6.

CR-5669 from the Planning Commission recommended that Z-76-85 be approved as requested.

Mr. Calloway moved approval of the Planning Commission's recommendation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 616 ZC 166

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Quartz Court, west and east sides, off Creech Road between Rock Quarry and Sanderford Roads, being Parcels 26 and 561-565, and 567-571, Tax Map 607, rezoned to Residential-6 District. (Z-76-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 7/16/85

REPORT AND RECOMMENDATION OF THE APPEARANCE COMMISSION

***APPEARANCE COMMISSION - 84/85 ANNUAL REPORT - WORK PROGRAM ENDORSED

J. Myrick Howard, Chairman of the Raleigh Appearance Commission, was at the meeting and presented Council Members with a copy of the 85-85 Annual Report, dated July 8, 1985. Mr. Howard went over the report in detail indicating the Appearance Commission would like for the City Council to receive the report as information and endorse the proposed 85-86 work program as included.

Mrs. Cates indicated she hopes that the Appearance Commission will be very involved in the Clean City Program. Mrs. Cates indicated she came downtown to the Beachfest and saw a lot of litter in the streets and construction sites, etc. After brief discussion, Mr. Congleton moved that the City Council receive the 84-85 Annual Report of the Appearance Commission and endorse their 85-86 program as outlined. His motion was seconded was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

***HISTORIC PROPERTIES COMMISSION - APPOINTMENTS MADE; HISTORIC DISTRICTS COMMISSION - REFERRED TO AD HOC NOMINATING COMMITTEE

The City Clerk reported five vacancies remaining on the Historic Properties Commission. Robert Anderson has been nominated. The Clerk indicated during the last meeting Mr. Walters nominated Ruth Little and Ms. Babb nominated Fayma Nye. The Clerk indicated that she believed that these nominations were meant for the Historic Districts Commission as there are some vacancies on that Commission. Ms. Little and Ms. Nye are already members of the Properties Commission. Mr. Walters moved that the names of Ruth Little and Fayma Nye be referred to the Ad Hoc Nominating Committee for consideration once the Historic Properties Commission's vacancies are filled. Without objection, this was agreed to. Mayor Upchurch nominated Steve Schuster and Ann de Rossett to the Historic Properties Commission. Mr. Walters nominated Mike Weeks and Bridgette McNair. Mrs. Block pointed out she had received a notebook full of resumes from people who wanted to serve on various committee. She stated she would like for the Ad Hoc Nominating Committee to consider these resumes. Mr. Walters moved that the City Council suspend rules and appoint the five nominees to the Historic Properties Commission. His motion was seconded by Ms. Babb and after brief discussion, put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative pointing out she did not like to make appointments on the same night nominations were made.

***ARTS COMMISSION - VACANCY REFERRED TO THE NOMINATING COMMITTEE

The City Clerk reported one vacancy on the Arts Commission pointing out at the last meeting Horace Caple was appointed, however, she had received a letter from Mr. Caple indicating he cannot serve. Mr. Congleton indicated he had a nominee but he would make it to the Nominating Committee. Discussion took place as to what procedure would be followed after which it was agreed to refer this vacancy to the Nominating Committee.

***CIVIC CENTER AUTHORITY - APPOINTMENT MADE

The City Clerk reported one vacancy due to the resignation of Jim Ramsey. Nominations include John Booth, Jesse Brinkley and Louise Lockwood Zorowski. Nominations have been closed. A ballot vote resulted as follows: Booth - 3 (Upchurch, Babb, Congleton); Brinkley - 4 (Block, Walters, Cates, Calloway); Zorowski - 1 (Block).

Since no nominee received five votes, a second ballot vote was taken with results as follows: Booth - 3 (Upchurch, Congleton, Babb); Brinkley - 5 (Cates, Calloway, Keller, Walters, Block). The Mayor announced the appointment of Jesse Brinkley to the Civic Center Authority.

***APPEARANCE COMMISSION - APPOINTMENTS MADE

The City Clerk reported the terms of Carlton Midgette and Vince Zucchino expire August 16. Nominations include Mr. Zucchino and Carol McCormick. Nominations have not been closed. There being no further nominations, Ms. Babb moved nominations to the Appearance Commission be closed and the two nominees appointed by acclamation. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***BOARD OF ADJUSTMENT - MICOU F. BROWNE REAPPOINTED

The City Clerk reported the term of alternate member, Micou F. Browne, expires August 15. Nominations include Mr. Browne and Ann Franklin. Nominations have been closed. A ballot vote resulted as follows: Browne - 5 (Congleton, Keller, Upchurch, Calloway, Walters; Franklin - 3 (Cates, Babb, Block). The Mayor announced the reappointment of Micou F. Browne as an alternate member on the Board of Adjustment.

***DOWNTOWN ADVISORY COMMITTEE - REAPPOINTMENTS MADE; REMAINING FOUR VACANCIES REFERRED TO NOMINATING COMMITTEE

Mr. Walters indicated he was asked by Mayor Upchurch to work with the Downtown Advisory Committee pointing out there are fourteen members of the Downtown Advisory Committee whose terms expire on August 2. He indicated he had talked to ten of these members who have been active on the Committee and desire to be reappointed to a second two-year term. They are: Frank Anderson, Jr., Margie Haywood, James H. Brown, Jr., Betty Twiggs, G. Wesley Williams, Ames Christopher, Alice Garland-Swink, Norma Burns, Spencer Wolfe and Oppie Jordan. Mr. Walters indicated he would recommend that the City Council suspend the rules and the above listed members be reappointed to a two-year term effective August 3, 1985, and would further recommend that the remaining four vacancies be referred to the Ad Hoc Nominating Committee and the the structure and operation of the Downtown Advisory Committee be referred to the City Council Downtown Committee. He so moved. His motion was seconded by Ms. Babb. Mrs. Block pointed out this is the first time that these suggestions have been made public. Therefore, she would request that the ten nominations be held and placed on the August 6 Agenda and the four remaining vacancies be referred to the Ad Hoc Committee. After brief discussion, it was agreed that Mrs. Block's suggestion would be upheld.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***CONRAIL SALE - RESOLUTION ADOPTED; ITEM RETAINED IN COMMITTEE

Mr. Keller reported Council Members will receive in their Agenda packet a proposed resolution supporting the sale of Conrail to private enterprise with the understanding it would continue to operate as a viable railroad. The Committee recommends adoption of this resolution. The Committee is holding the item to further consider the request by Norfolk Southern Railroad for the City to support the sale of Conrail to that company. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 874

A RESOLUTION TO ENDORSE THE PRIVITIZATION OF THE CONRAIL SYSTEM.

WHEREAS, the Regional Rail Reorganization Act of 1973 created the Consolidated Rail Corporation (Conrail); and

WHEREAS, the maintenance of a viable rail transportation system is essential to the economy and defense of the United States; and

WHEREAS, the Consolidated Rail Corporation has through its efforts caused the Conrail system to become a profitable and effective provider of rail service; and

WHEREAS, the City of Raleigh believes the continued growth and success of the Conrail System can best be accomplished by returning the company to the private sector.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that the Congress of the United States be encouraged to return the operation of the Conrail System to the private sector either through sale, privitization of the existing company or any other means deemed appropriate by the Congress.

Adopted: 7/16/85

***FLOODWAY REGULATIONS - PROPOSED CHANGE - PUBLIC HEARING AUTHORIZED FOR AUGUST 6

Mr. Keller reported Council Members will receive a proposed text change in their Agenda packet relating to construction in floodway areas provided certain conditions are met. The Committee recommends that a public hearing be established, as soon as possible, to consider adoption of the proposed text change. On behalf of the

Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Associate City Attorney Botvinick indicated the earliest possible date would be August 6 as a special joint hearing has been established with the Planning Commission at 7:00 p.m. It was agreed that the public hearing would be held on that date.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***CONSERVATION/BUFFER AREAS - MERITS OF EXPANDING STAKING - REMOVED FROM THE AGENDA

Mrs. Block reported the Public Works Committee recommends removal of this item from the Agenda as the Council approved a text change on July 2, requiring the staking of the boundaries of Conservation/ Buffer districts during land disturbing activities. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SIDEWALK REPAIRS - ORDINANCE CHANGE - ADOPTED

Mrs. Block indicated Council Members received in their Agenda Packet a proposed ordinance establishing procedures to access for sidewalk repairs. On behalf of the Public Works Committee, Mrs. Block moved adoption of the ordinance as presented. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 613

AN ORDINANCE ESTABLISHING PROCEDURES TO ASSESS FOR SIDEWALK REPAIRS.

WHEREAS, Chapter 1209 Session Laws 1971 and Article 10 Chapter 160A of the General Statutes authorize the City of Raleigh to repair, reconstruct, and otherwise improve sidewalks without petition and to assess the total cost thereof against abutting properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 6-2002 of the Raleigh City Code is hereby amended to add a new subsection, 6-2002(b)(4), which shall read as follows:

"(4) The informational meeting, notice, and deliberations required in subdivisions (b)(1) through (3) shall not apply to repairs, or to reconstruction of existing facilities.".

Section 2. Section 6-2022, including the index to said section appearing at the beginning of Chapter 2 Part 6 of the Raleigh City Code is hereby reentitled to read: "Sidewalk assessments for constructing or extending new sidewalks.". Section 6-2022 of the Raleigh City Code is further amended to replace the words "the cost of sidewalk improvements" appearing at the beginning of the first sentence with the following language: "the cost of new sidewalk construction or extensions".

Section 3. Section 6-2023 of the Raleigh City Code entitled Payment of Assessments is recodified as section 6-2024. Said recodified section is further amended to add a new last sentence which shall read as follows: "However, any assessment less than one hundred dollars shall be paid in cash within ninety days of confirmation rather than in annual installments.".

Section 4. Chapter Two Part Six of the Raleigh City Code is hereby amended to add a new section 6-2023, which shall precede recodified section 6-2024 and it shall read as follows:

"Sec. 6-2023. Assessment for repairing, reconstructing, and otherwise improving existing sidewalks, driveways, curbs, gutters, or drains.

The Council may, without petition of abutting property owners, require the reconstruction, alteration or repair of sidewalks, driveways, curbs, gutters or drains in conformity with the provisions of section 6.44(a) of the Charter. If any of such improvements are required of a property owner and the property owner shall fail or refuse to make the same within thirty (30) days after notice thereof, the Council may cause such improvements to be made and assess the total cost thereof against the property abutting the improvement. In making and collecting assessments for such improvements, the procedure outlined in Article 10 of Chapter 160A of the General Statutes of North Carolina shall be followed to the extent that the same is not in conflict with section 6.44 of the Charter. In the event of conflict in the provisions of the General Statutes and the Charter, the provisions of the Charter shall control. The total cost of the repairing, reconstructing or altering of driveways, curbs, gutters, drains, or sidewalks, including the cost of grading and the construction of retaining walls necessary to provide lateral support for abutting property, shall be assessed against the property abutting the improvement. The cost of relocation and construction of driveways, steps, or other means of access to his property from the street as he may deem necessary, shall be borne by the property owner. (Code 1959, §19-27; Ord. No. 1983-245-TC-205, §6. 12-6-83)

Charter references - Authority for exemptions from special assessments, §2.14(71); street improvements without petition, §6.44(a).

State law reference - Authority and procedures for special assessments, G. S. Art. 10, Ch. 160A.".

Section 5. Section 7-2002 of the Raleigh City Code is hereby amended to delete subsections (a), (b) and (d) thereof as they are recodified by section four of this ordinance. The title of section 7-2002 is rewritten to read: "Sec. 7-2002 Indemnity Bond.". Existing subsection (c) is hereby relettered subsection (a) and the words "such improvements" appearing as the eleventh and twelfth words thereof are repealed, rewritten, and reenacted to read: "construction of and improvements to sidewalks, curbs, gutters, and portions of driveways and rains within public rights-of-way". Said subsection is further amended by replacing the word "sidewalks" appearing in the next to the last sentence thereof with the word "improvements".

Section 6. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance shall become effective immediately upon its adoption.

Adopted: 7/16/85

***STREET, SIDEWALK, AND PUBLIC UTILITY IMPROVEMENTS - NEW HOPE CHURCH ROAD - RESOLUTIONS ADOPTED

Mrs. Block reported the Public Works Committee recommends adoption of a resolution directing the installation of curbs, gutters, drains, and paving 41 feet back-to-back and 5,310 feet of 12-inch water main for the extension of New Hope Church Road from Benson Drive, westward to the eastern property line of North Raleigh Properties, according to the agreement between the City and North Raleigh Properties with sidewalks to be constructed on one side. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-875

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and paving forty-one feet back-to-back as an extension of New Hope Church Road from Benson Drive westward to the eastern property line of North Raleigh Properties, according to agreement between the City and North Raleigh Properties with a sidewalk to be constructed on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provision of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of sidewalks shall be assessed property abutting directory on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 7/16/86

RESOLUTION NO. 1985-876

A RESOLUTION TO DIRECT THAT THE WATER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985-15 - Installation of approximately 5,310 feet of twelve-inch water main beginning at the intersection of New Hope Church Road and Benson continuing westward to St. Albans Drive (inside the City Limits).

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 7/16/85

***SUBDIVISION S-89-85 - WHITE PROPERTY - APPROVED WITH CONDITION; NO BUILDING PERMIT TO BE ISSUED ON RESIDENTIAL PORTION UNTIL OCTOBER 15, 1985.

Mrs. Block reported the Public Works Committee recommends that this request be approved according to a map entitled, "White Property, U.S. 1 North, Raleigh, North Carolina," the property of No. 1 North Ventures Limited Partnership, submitted by Barrett Kays and Associates, revised date June 5, 1985, with the following conditions: (1) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of the final plat; (2) that a stormwater management engineering plan be approved by the City for areas as noted on the subdivision plan; and, (3) that no building permits be issued on the residential portion until October 15, 1985 (this is the date the Marsh Creek/Perry Creek Stormwater Management Study is to be completed). On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates. Ms. Babb indicated she would like to be excused from participation in this matter as her husband is involved. Without objection, Ms. Babb was excused. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Ms. Babb who was excused. The Mayor ruled the motion adopted.

***SC-24-85 - BREWLIN PROPERTY - APPROVED WITH CONDITIONS; ORDINANCE REGULATING DISPLAY AREAS - REFERRED TO ADMINISTRATION TO REPORT TO PUBLIC WORKS COMMITTEE

Mrs. Block reported the Public Works Committee recommends this request be approved according to a map entitled, "Brewlin Property," the property of Brewlin, Inc., drawn by Brewlin, Inc., dated April 26, 1985, with the following conditions: (1) that any permit be issued in accordance with all Inspections Department policies; (2) that a 5-foot strip between the parking and right-of-way be landscaped; (3) that areas not used for parking and sales or display areas be treated with an appropriate ground cover which is maintained in good condition; (4) that the parking area be provided a non-erodible surface; and, (5) that parking spaces be clearly defined with access physically limited as shown on the site plan. Mrs. Block moved the recommendation, as outlined, be upheld. Her motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Mrs. Block pointed out the Public Works Committee further recommends that a report be provided by Administration relating to the need for an ordinance regulating temporary display area and that this matter be held in Public Works Committee for a report from Administration. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***STREET, SIDEWALK IMPROVEMENTS - LAKE BOONE TRAIL - RESOLUTION DIRECTING PROJECT ADOPTED

Mrs. Block reported, by split vote, the Public Works Committee recommends adoption of a resolution directing the installation of curbs, gutters, drains and paving 42 feet back-to-back on Lake Boone Trail from Edenburgh Road to Brooks Avenue with the installation of sidewalks on one side. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mrs. Block indicated this proposed improvement is in accordance with all of our ordinances, the street is on a thoroughfare plan, has over 100 houses, etc. She stated this has been on the Comprehensive Plan for a long time and the Committee even had the location staked so everyone could go out and see where the road would be. She indicated she does not feel that a 41-foot street will harm the neighborhood. Brief discussion took place as to whether the improvements are proposed from Edenburgh Road or Cambridge with it being agreed to amend the motion to indicate from the Edenburgh Road/Cambridge intersection to Brooks Avenue.

Mrs. Cates indicated she is the negative vote pointing out this is an old intercity neighborhood and she feels engineering-wise it will be difficult to make this a 41-foot street. She pointed out Lake Boone trail is a minor residential Street on one end, is 22 feet in the middle and now we are talking about a 41-street on the other end. The motion as amended was put to a vote which resulted in all members voting in the affirmative except Mrs. Cates and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-877

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drain and paving forty-one feet back-to-back on Lake Boone Trail from Cambridge/Edenburgh Road intersections to Brooks Avenue, with the installation of sidewalks on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina

Adopted: 7/16/85

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***COMMUNITY DEVELOPMENT - FAIR MARKET ACQUISITION/OFFERS TO PURCHASE - APPROVED

Mr. Walters reported the Real Estate Committee recommends that:

A. Fair market acquisition value of four (4) lots located as follows:

1.	532 E. Hargett Street	$26,000.00
2.	536 E. Hargett Street	$29,000.00
3.	540 E. Hargett Street	$23,000.00
4.	544 E. Hargett Street	$29,000.00

B. Offers to purchase at the following locations:

1.	111 S. Haywood Street	$37,750.00
2.	113 S. Haywood Street	$35,000.00
3.	117 S. Haywood Street	$35,000.00
4.	118 S. Haywood Street	$39,250.00

On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***OLIVIA RANEY LIBRARY - CONDITIONS OF SALE UPHELD

Mr. Walters reported the Real Estate Committee recommends that the letter concerning the conditions of sale for the Olivia Raney Library received July 10, 1985, by the Manager from Charles L. Holliday be approved as written. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted. (Letter indicates proposed sale price is $700,000.00, payable upon closing, subject to availability of funding and approval of transaction by Governor and Council of State; a closing date of September 2, 1985, is suggested; the State will allow the County to remain in possession of a portion of the building until the County Library Building is complete which is projected to be not later than December 1, 1986. If the County does not vacate the building by December 1, 1986, the City will aid the State in funding necessary to provide suitable replacement space for the County to occupy until their building is completed. The terms of such funding aid are to be negotiated at a later date.) The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CONDEMNATION - CITY MARKET - RESOLUTIONS ADOPTED

Mr. Walters reported that the Real Estate Committee recommends that the City proceed with condemnation action on the following parcels with the understanding that efforts to negotiate acquisition will continue if desired by the property owners while the condemnation actions are commenced.

BLOCK	PARCEL	PROPERTY ADDRESS	OWNER'S NAME
A-40	3	317 South Blount Street	Barney Joyner
	6	305-07 South Blount Street	Edwin Haynes (Bryan Haynes-NC Paper Co.)
	7	200 East Martin Street	Wm. Vick Const. Co.
	8	208 East Martin Street	Emerson Gower
	9	214 East Martin Street	Birdena Seligson
	10	215 Wolfe Street	EG Morris, Est. (WE Byrd-Admin)
A-41	1	Blake Street	Al Brothers
	2	323 Blake Street	Al Brothers
	4	313 Blake Street	Seligson Heirs
	5	Blake Street	Seligson Heirs
	6	311 Blake Street	Seligson Heirs
	7	220 East Martin Street	Seligson Heirs

Mr. Walters moved the recommendation of the Real Estate Committee be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolutions 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890 and 891 on pages 834A, 834B.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***CITY HEALTH CARE PROGRAM - MANAGER'S RECOMMENDATION UPHELD

City Manager Benton indicated Council Members received a memo in their Agenda packet dated July 16, 1985, on the subject Employee Health Programs. He indicated during the past year, the City has focused on two program areas to ascertain if activity should be undertaken which would improve the general health condition of the employees in this organization pointing out those two areas related to improving health care and focusing on cost containment. He indicated it is hoped that we can provide for prevention of illness through a Wellness Program and improve health care and prevention through an HMO concept for health service. The memo outlined a Wellness Program for a total cost for FY 85-86 of $29,500. City Manager Benton briefly explained the Wellness Program included a $5,000 cost for awareness/education, $12,700 for fitness, medical services, health care benefits and

the hiring of a Wellness Coordinator in January, 1986, at $11,800. The memo briefly explained Phase II which would begin in FY 86-87 relating to fitness and medical services.

H. Gray Hutchison of Hutchison and Associates was at the meeting and gave a report on HMO's, the different types, as well as informed the Council of the decrease in cost for health care premiums this coming year. He indicated, in summary, that HMO are timely and should be adopted as they are an effective way of cost containment. It was pointed out that the City has been able to work out a very unique HMO which we will be able to offer to the employees at the same rate as their current Blue Cross/-Blue Shield. Therefore, the employees would have a choice. Our health consultant is recommending a HMO that is at the same rate and under the same health administrative plan. It was felt that this would be effective in December of 1985. After brief discussion, Mr. Walters moved that the health care program, as presented, be approved. His motion was seconded by Mrs. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STREET CLOSING - OLD LASSITER MILL ROAD - REFERRED TO PUBLIC WORKS COMMITTEE

A petition has been received requesting the closing of a portion of Old Lassiter Mill Road. The site is located at the northern intersection of Old Lassiter Mill Road and Lassiter Mill Road as shown on the map in the Agenda packet.

The reviewing departments and agencies have indicated that if the subject street is to be closed, that the following conditions be required:

(1) That the curb and gutter along Lassiter Mill Road be restored, the paving be removed from the abandoned right-of-way and the area be seeded, and that an appropriate turnaround be constructed at the end of Old Lassiter Mill Road;

(2) That a subdivision application be submitted for City Council approval of the right-of-way dedication required for the turnaround at the closed portion of the street prior to the effective closing of the street;

(3) That 20-foot easements be retained and recorded for water and sewer mains located in subject right-of-way and a 10-foot easement be recorded for an existing gas line located on site.

This portion of Old Lassiter Mill Road currently carries neighborhood traffic accessing the Marlowe Road area. Since Marlowe Road is not a through street at this time, closing this street will further reduce accessibility to this small, single-family residential area. Council should consider these factors and proposed conditions prior to adopting a resolution of intent to close or setting of a public hearing on this request.

Recommendation: Since this petition has been received, Council may wish to refer this to a committee to determine if a deed exists to proceed with the street closing process.

Mrs. Block moved that this matter be referred to Public Works Committee. Her motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***BERKSHIRE DOWNS WEST - DEDICATION OF PARK LAND - CITY TO ACCEPT WITH CERTAIN STIPULATIONS

The developer of the residential area known as Berkshire Downs West, located on the south side of Perry Creek Road, proposes to dedicate 4.5 acres to the City for use as a park. Their conditions are as follows:

(1) 4.5 acres to be dedicated for use as a park (map in Agenda packet);

(2) Developer will install the water line to the property which is approximately 154 linear feet from existing street;

(3) Pay to the City an amount of $24 per linear foot as partial payment for the construction of Shell Drive with 50% of this amount being paid at this time and 50% within one year;

(4) The City relieve Paragon (the developer) of its obligation to pave Shell Drive which extends to the park site and does not serve other property and that the City assume full responsibility to improve this street section in the future.

Recommendation: That the City accept this proposal with the stipulation that the land will be used as a park site or for other City related purposes if determined necessary in the public interest by City Council. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***FERNDALE CONNECTOR - MUNICIPAL AGREEMENT - REFERRED TO THE PUBLIC WORKS COMMITTEE

The recent court decisions on right-of-way acquisition for this project indicated a need to develop a municipal agreement with the State Department of Transportation to clarify the City's right to undertake this project on a State System Street.

A municipal agreement has been developed with the State and a copy is in the Agenda packet. Under this arrangement, the City bears all costs for the project and is authorized to proceed with the project.

Recommendation: That the City Council approve the municipal agreement.

Mayor Upchurch indicated this issue has been around for a number of years. He stated, however, he did receive a letter from the Wade CAC asking that this item be held so that it would give them an opportunity to further discuss this. Mrs. Block indicated she did not feel that this recommendation should be used as an opportunity to reopen the assessment of the project. She stated this project has been discussed time and time again and she feels that this agreement should be discussed on its own merits and she would move approval of the municipal agreement as presented. Mrs. Cates indicated she thought the municipal agreement was on the Agenda for information, not for approval for the project. Mrs. Cates moved that the municipal agreement relating to the Ferndale Connector be referred to the Public Works Committee. Her motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mrs. Cates indicated she knew that this project had been around a long time but that is not a project that should not be reviewed. She stated she understood there was a plan but not an adopted plan and, therefore, it is not a closed issue. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***NORTHEAST PLANNING TASK FORCE - TASK FORCE - ADOPTED

On June 18, the Council approved the concept for a major study of the northeast area. Included in the project was a task force with the following composition:

(1) Four existing residents from areas under the City's jurisdiction and citizen volunteers from areas under the County's jurisdiction;

(2) Two landowners representing the consortium participating in the Interlocal Cooperation Agreement for the Neuse River/Perry Creek sewer service area;

(3) Two members from the County Planning Board;

(4) Two members from the City Planning Commission.

Included in the Agenda packet was a list of nominees for this group. While all positions do not have suggested names, it is desirable to move forward with the formation of the group. It is expected that the County will shortly make their nominations from the County Planning Board.

Recommendation: That the suggested task force members be appointed.

Mrs. Block indicated she had no problem with proceeding along these lines. She pointed out there were recently a number of hotly contested zoning cases in this area and these people have signed valid protest petitions, therefore, she would like for those persons to be notified at least of the first meeting of the Northeast Planning Task Force. Mr. Walters moved approval of the task force as recommended with the suggestion made by Mrs. Block. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SEWER ALLOCATION - AMENDMENTS TO THE TOWN OF KNIGHTDALE AGREEMENT - APPROVED

The Town of Knightdale has requested amendments to its water and sewer contracts with Raleigh to provide an increase of 500,000 gallons per day. The City has a water agreement with Knightdale which currently provides for 200,000 gallons per day. Also, Knightdale has a sewer contract with the City for approximately 250,000 gallons per day to be treated at the City's wastewater treatment plant.

If these amendments are approved, Knightdale would pay the associated fees outlined in the water contracts and the fees to be developed for the additional wastewater allocation. This latter fee is being studied by the consulting firm, C.D.M., and a report will be made in the near future.

Recommendation: That the request be approved provided the sewer agreement would stipulate concurrence with capital facility fee charges which will be developed by the City. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***WASTEWATER AGREEMENT - TOWN OF MORRISVILLE - HELD IN ADMINISTRATION

Included in the Council agenda packet was a letter of request from Morrisville to enter into a new agreement involving the treatment of wastewater. The City currently does not have an agreement for wastewater treatment with Morrisville.

This is a major policy issue and must be addressed in terms of the City's capacity for treating wastewater, the current and future demands for wastewater treatment from areas in the City or its planning jurisdiction (Brier Creek, Sycamore Creek, Turkey Creek, Perry Creek, Neuse River), and finally in the context of how the City should address wastewater utility services south of I-40.

City Manager briefly explained the status pointing out he would like to hold this in Administration for further study. Without objection, it was agreed to hold the item in Administration.

***CIVIC CENTER PLAZA - GENERAL CONSTRUCTION BID AWARDED TO D. W. WARD CONSTRUCTION COMPANY, INC., LANDSCAPING - HORNSBY AND SANDERS, INC. - FUNDS APPROPRIATED; ADMINISTRATION TO DOUBLE CHECK WATERPROOFING

Pursuant to advertising as required by law, bids received and publicly opened in the office of Lewis Clarke Associates for the Civic Center Plaza work on June 17, 1985, with results as follows: Clancy and Theys - $1,859,000; Security Builders - $1,795,000; D. W. Ward Construction Company, Inc. - $1,712,000; LDA, Inc. - $1,725,000; J. F. Wilkerson - $1,879,940. Administration has negotiated with the low bidder, D. W. Ward Construction, Inc., for a new low bid of $1,631,540.

Bids were opened on the same day for the site planning and landscaping of the project with results as follows: Hornsby and Sanders, Inc. - $83,170; Landmasters, Inc. - $94,320. Administration recommends the negotiated low bid would be D. W. Ward Construction, Inc., in the amount of $1,631,540 and the low bid of Hornsby and Sanders be awarded and appropriate funds transferred. Brief discussion took place with it being pointed out that part of the deductions relate to waterproofing. The location of this waterproofing was discussed. Mrs. Block expressed concern about the deleting part of the waterproofing with City Manager Benton indicating Administration has checked with the engineers and had determined that this was extra waterproofing after which Ms. Babb moved that the low negotiated bid for the general and the low bid for landscaping be approved with the understanding that Administration would ascertain that the waterproofing being deleted is not needed and if there is a problem, that the low bids be awarded without that portion of the deduction. Her motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***VOLUNTEER FIRE DEPARTMENT CONTRACTS - VARIOUS - APPROVED

Assistant City Manager Carter indicated the following contracts have been signed with the Volunteer Fire Departments involved in the areas that were annexed on June 30, 1985: Six Forks Volunteer Fire Department - $49,470; Wake/New Hope Volunteer Fire Department - $4,603; Durham Highway Volunteer Fire Department - $7,329; Garner Volunteer Fire Department - $4,752. It was pointed out the total amount included in the FY 85-86 Budget for the estimated amounts of these fire contracts if $65,291, therefore, a transfer in the amount of $863 is needed. Administration recommends approval of the fire contracts as outlined. Mrs. Block questioned the difference in the five-year contract and the 3-year contract with Assistant City Manager Carter explaining it involves two levels of service. She stated the five-year contracts are basically for mutual aid and the three-year contracts are more joint response. Mr. Congleton moved Administration's recommendation be upheld and the Mayor be authorized to execute the contracts on behalf of the City. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***DESIGN SERVICES - GLEN EDEN DRIVE - CONTRACT WITH GREINER ENGINEERING SERVICES, INC. - APPROVED; FUNDS APPROPRIATED

City Manager Benton indicated it was hoped that we could do the professional consulting services for the Glen Eden Drive Extension in-house. He indicated because of the workload, etc., Administration recommends the hiring of a private consulting firm to do this work. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb with Mrs. Cates indicating we do go to public hearing on each of these road-bond projects before the actual work is done with it being pointed out that is correct. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

City Manager Benton indicated Administration had contacted Greiner Engineering Services, Inc., who had submitted a fee of $45,000 or 7.15 percent of the estimated construction cost to do right-of-way mapping and design of the Glen Eden Extension. City Manager Benton indicated he would recommend approval of Greiner Engineering Services, Inc., transfer of the appropriate funds and authorization for the Mayor to sign. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 609 TF 2

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***NELLO TEER QUARRY - DETERMINED TO BE ILLEGAL EXPANSION - ADMINISTRATION AUTHORIZED TO PROCEED

Associate City Attorney Botvinick explained the situation relating to the Nello Teer Quarry in the Duraleigh Road area. He indicated it is the City Attorney's opinion that this expansion does constitute an illegal expansion of a nonconforming use and

it is the Attorney's recommendation that Administration be directed to begin the standard zoning violation procedure. Mr. Walters stated he had no objection but pointed out if there is a shadow of a doubt as to whether this does nor does not constitute a violation, he feels that we should proceed very carefully as it could be very expensive. Associate City Attorney Botvinick indicated there is no clear precedent in North Carolina with Mr. Walters pointing out this could be a very costly proposition. Brief discussion took place with Ms. Babb pointing out she does not feel that the City needs to get into a long discussion about this at this point but she feels it would be unthinkable not to oppose it with Mrs. Block agreeing. After discussion, Ms. Babb moved that the City declare this an illegal expansion of a nonconforming use and direct Administration to proceed with the standard zoning violation procedure. Her motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***DURALEIGH ROAD - ADMINISTRATION AUTHORIZED TO PROCEED WITH PROPERTY ACQUISITION

Associate City Attorney Botvinick indicated it is recommended that Administration be directed to begin the process of acquiring right-of-way across the Nello Teer property for the Duraleigh Road Extension. Ms. Babb moved the Attorney's recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

***FLETCHER PARK - COMPLAINTS - GIVEN TO ADMINISTRATION

Mayor Upchurch read a letter from Tom Hobbs, 909 Glenwood Avenue, complaining about the noise and activity at Fletcher Park. Mayor Upchurch presented the letter to the City Manager for appropriate action.

***SOUTHEAST RALEIGH NEWSLETTER - PRESENTED

Mayor Upchurch indicated sometime back the Council approved developing an Economic Development Newsletter relating to Southeast Raleigh. He presented Council Members with a copy of the first edition. Brief discussion took place on the newsletter and in response to questioning, it was pointed out this newsletter would be sent out to groups, realtors, etc., people who are interested in the Southeast section or interested in development in Raleigh.

***RALEIGH LITTLE THEATRE - PROPOSAL - REFERRED TO WORK SESSION

Mayor Upchurch indicated various Council Members met with representatives of Raleigh Little Theatre and received a proposal from them. He stated, without objection, their proposal would be referred to Work Session to be a part of the discussion on the Cultural Arts Report. The item was so referred.

***TRAFFIC - KENTUCKY FRIED CHICKEN ON FALLS OF NEUSE ROAD - REFERRED TO ADMINISTRATION

Mr. Congleton indicated he has received complaints relative to the drive-through window and the traffic problems it creates pointing out he is referring to the Kentucky Fried Chicken Restaurant on Falls of Neuse Road. He indicated the traffic gets tied up on ingress and egress and backs up on Falls of Neuse Road. He asked staff to look at this item and bring it back to City Council if action is needed.

***TRAFFIC LIGHT - LEESVILLE/WINTHROP DRIVE - REFERRED TO ADMINISTRATION

Mrs. Cates asked that Administration look at the possibility or the need for a traffic light at Leesville/Winthrop Drive. She indicated she is receiving a lot of complaints about backup on Winthrop Drive. Without objection, the item was referred to Administration.

***RALEIGH BOY'S CHOIR - TO BE RECOGNIZED

Mrs. Cates indicated she really enjoyed having the young people come to City Council pointing out she would like permission to approach the Raleigh Boy's Choir pointing out they have just been in Vienna and have received a lot of recognition. Without objection, Mrs. Cates was asked to make the appropriate arrangements.

***SUBDIVISION APPROVAL/RESERVATION OF RIGHT-OF-WAY - MAPS TO SHOW PATH OF OUTER BELT LOOP; COUNCIL TO BE PROVIDED CORRIDOR MAP

Mrs. Block indicated she is concerned relative to the reservation of land for the outer belt loop. She indicated she feels that through our subdivision approval we should make efforts to reserve this right-of-way. She indicated as a safeguard she would move that the City Council reaffirm that all maps, proposals, etc., that are to be recorded at the Courthouse show the reservation of the outer belt loop. In other words, that any map that leaves the City to be recorded that that map shows the path of the outer belt loop. Her motion was seconded by Mr. Keller.

Ms. Babb questioned if we have an official map or corridor of the outer belt loop with City Manager Benton indicating the State has begun to define the corridor and it is site specific with Ms. Babb indicating she would like to have a copy of that map. Mr. Walters stated he is in favor of the outer belt loop but he is not sure that we can require a developer to reserve the right-of-way with Mrs. Block indicating all

she is asking is that every map, whether it is to be recorded, reprinted, made public, etc., show the corridor of the outer belt loop. After other discussion, the motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative.

***THOROUGHFARES - POLICY ON RESERVATION - REAFFIRMED

Mrs. Block pointed out over many years Raleigh has required dedication of a 90 feet of right-of-way for streets shown on our Thoroughfare Plan. She indicated many developers have been required to do this. She pointed out the outer belt loop is on the City of Raleigh Thoroughfare Plan, therefore, she feels that any subdivision in the path of the outer belt loop should be required to dedicate 90 feet of right-of-way. Therefore, she would move that the City Council reaffirm the policy of requiring the dedication of 90 feet of right-of-way in plans involving our Thoroughfare Plan with the understanding that any additional right-of-way needed for the outer belt loop would be acquired in another fashion. Her motion was seconded by Mr. Congleton. Mr. Congleton commended Mrs. Block with coming up with the recommendation. He pointed out if 90 feet is standard policy and the State has tied down a path for the outer belt loop, then he feels that this would be appropriate. He indicated, in his opinion, it would be terrible for the City to allow development to take place in the corridor of the outer belt loop. He stated he knew that we have to be conscious of the individual rights of property owners on their land. Ms. Babb indicated she was uncomfortable with this motion. She indicated the City Council voted some time ago that it would refrain from bringing up major policy decisions at the end of the meeting and voting on them. She indicated she did not like to vote on anything like this that isn't written out. She stated this is a complex issue and very touchy and she feels it is inappropriate to try to deal with how the City is going to acquire land for the outer belt loop in this matter. She stated a decision such as that should be worked on through a committee and well thought out. Mrs. Block pointed out this is not a major policy decision, it is just reaffirmation of our present policy and she feels that we need to reaffirm that policy. She stated she plans to make a third motion to refer to Public Works Committee how the City Council would acquire right-of-way for the outer belt loop. Mrs. Cates indicated she had questions pointing out she knew that we were talking about a text change that deals with density trade-off in the watershed and asked the status of that. Discussion took place as to under what conditions the City can require a developer to dedicate any land to the City with Associate City Attorney Botvinick reading Code Section 10-3018. Ms. Babb indicated she feels that everyone wants the same results but she feels that this is too important an issue to make a decision on in this manner, therefore, she would make a substitute motion that the issue be referred to the Public Works Committee and ask them to begin immediately and bring back a recommended course of action as it relates to acquiring right-of-way for the outer belt loop. Her substitute motion did not receive a second. The original motion made by Mrs. Block was put to a vote which resulted in all members voting in the affirmative except Ms. Babb and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted. Ms. Babb indicated her "No" vote was based on the principle not the subject of the motion.

Mrs. Block moved that the City Council refer to the Public Works Committee a study of such things as transfer of density, suggestions being made by the County Commissioners, etc., that is, to develop a policy whereby the City of Raleigh can acquire right-of-way for the outer belt loop. Her motion was seconded by Mrs. Cates. Mr. Congleton asked the City Attorney to look at this and how it relates to our powers and authority pointing out if the State has said it would be appropriate to have a 300-foot right-of-way rather than a 90-foot right-of-way, then what is the legal ramifications of having that in our Code. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT OF CITY CLERK AND TREASURER

***PRELIMINARY ASSESSMENT ROLL 688 AND 1022 - ADOPTED

The following preliminary assessment rolls will be presented and are recommended for adoption which will set a public hearing for the August 6, 1985, Council Meeting to consider confirmation of cost:

AR 688 - Street improvements on Lenoir Street between Rock Quarry Road and Sherrybrook.

AR 1022 - Sanitary sewer improvements in the new alignment of Millbrook Road. (This project is outside the City Limits and the assessment would be effective upon annexation or tap-on to the line.)

Mr. Congleton moved the adoption of the preliminary assessment rolls as outlined. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (985) 878

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 688
Powell Fund

WHEREAS, by Resolution No. 1977-216 adopted by the City Council on March 1, 1977, the local improvements hereinafter referred to were authorized and directed

pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains, and paving 41 feet back to back on Lenoir Street between Rock Quarry Road and Sherrybrook Lane.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $28,995.70.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
City of Raleigh	1	0102427	133.5	1,335.00		1,335.00
North Carolina State University	2	0024512	50.0	500.00		500.00
Herbert Chandler, Jr.	3	0012768	50.0	500.00		500.00
Lovie M. Williams	4	0077635	100.0	1,000.00		1,000.00
Delmar Jones, III	5	0036808	50.0	500.00		500.00
Leslie C. Brinson & Doris	6	0077636	50.0	500.00		500.00
Claude R. Trotter, Jr.	7	0042074	100.0	1,000.00		1,000.00
North Carolina State University	8	0024545	200.00	2,000.00		2,000.00
Bessie L. Anderson	9	0001817	50.0	500.00		500.00
North Carolina State University	10	0024498	300.0	3,000.00		3,000.00
North Carolina State University	11	0024542	74.5	745.00		745.00
North Carolina State University	12	0024460	74.5	745.00		745.00
North Carolina State University	13	0024439	155.5	1,555.00		1,555.00
Charles H. Cross	14	0080067-8	336.0	4,620.00		4,620.00

Katie Glover	15	0025318	102.05	1,020.50	1,020.50
Mary T. Battle Shannon	16	0034185	77.55	775.50	775.50
William H. Brooks & Mae Emma	17	0008729	60.0	600.00	600.00
North Carolina State University	18	0024524-5	90.0	900.00	900.00
Algie R. Johnson & Beatrice	19	0035620	120.0	1,200.00	1,200.00
Lovelace J. Hilliard	20	0030987	59.98	599.80	599.80
Levi Weaver, Heirs	21	0075267	30.0	300.00	300.00
Thomas E. Kee & Wife	22	0038424	59.99	599.90	599.90
North Carolina State University	23	0024531	150.0	1,500.00	1,500.00
North Carolina State University	24	0024534	300.0	3,000.00	3,000.00
			2,773.57	28,995.70	$28,995.70

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 688 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 6th day of August, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, or mail to each owner of the property herein assessed a copy of this resultion.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/16/85

RESOLUTION NO. (1985) 879

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1022

WHEREAS, by Resolution No. 1984 - 483 adopted by the City Council on March 20, 1984, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: PU 1984-1 - Installation of approximately 1,400 feet of 8-inch sanitary sewer main in the new alignment of Millbrook Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $17,716.43.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
North Boulevard Industrial Park	1	0056052	-	$ 3.81	$ 47.74
Claude M. Holliday	2	0032334	-	88.40	1,107.65
Historic Millbrook Assoc.	3	0025663	-	78.86	988.12
Blue Ridge Stone Co., Inc.	4	0121413	-	100.96	1,265.03
Amy R. Poole	5	0056052	-	58.00	726.74
North Boulevard Industrial Park	6	0025687	-	133.20	1,669.00
Milton M. Croom & Ruth S.	7	0015950	-	238.07	2,983.02
Millbrook Property Assoc.	8	0013218 0075157	-	240.60	3,014.72
Millbrook Property Assoc.	9	0013218 0075157	-	397.80	4,984.43

Cost Per Foot: 12.53

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1022 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 6th day of August, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/16/85

***MINUTES - JUNE 18, JUNE 27, AND JULY 2 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the June 18, June 27, and July 2 Council Meetings. Mr. Congleton moved approval of the minutes as presented. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION (1985) - 880

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF BARNEY G. JOYNER AND WIFE, PHYLLIS M. JOYNER.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by Barney G. Joyner and wife, Phyllis M. Joyner for the following public purpose:

To redevelop and rehabilitate the Old City Market Redevelopment Area as designated by the City Planning Commission and as approved by the City Council pursuant to G.S. 160A-503 et seq.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

Parcel A-40-3
Beginning at the point of intersection of the eastern right-of-way line of Blount Street and the southern right-of-way line of Wolfe Street, runs thence along Wolfe Street south 80 deg. 37 min. 57 sec. east 144.97 feet to a point; runs thence south 09 deg. 30 min. 41 sec. west 69.90 feet to a point; runs thence north 80 deg. 23 min. 52 sec. west 144.93 feet to a point in the eastern right-of-way line of Blount Street; runs thence along Blount Street north 09 deg. 28 min. 42 sec. east 69.30 feet to the point and place of beginning and being the property shown on a map entitled "Property of City of Raleigh, (Formerly: Barney Joyner), 319 Blount Street, Raleigh, N.C." by L. I. Chasak, Registered Land Surveyor, dated 6-19-85 and being also known as Tax Parcel A-40-3 in the tax maps of the City of Raleigh, North Carolina.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: 7-16-85

Effective: 7-16-85

RESOLUTION (1985) - 881

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF EDWIN HAYNES AND WIFE, LILLY P. HAYNES.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by Edwin Haynes and wife, Lilly P. Haynes for the following public purpose:

To redevelop and rehabilitate the Old City Market Redevelopment Area as designated by the City Planning Commission and as approved by the City Council pursuant to G.S. 160A-503 et seq.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

Parcel A-40-6
Beginning in the eastern right-of-way line of Blount Street, said point being north 09 deg. 22 min. 46 sec. east 62.67 feet from the point of intersection of the eastern right-of-way line of Blount Street and the northern right-of-way line of Wolfe Street; runs thence along the eastern right-of-way line of Blount Street north 80 deg. 21 min. east 80.20 feet to a point in the western right-of-way line of Parham Street; runs thence along Parham Street south 09 deg. 30 min. 55 sec. west 41.40 feet to a point; runs thence north 80 deg. 21 min. west 80.07 feet to the point and place of beginning and being the property shown on a map entitled "Property of City of Raleigh, (Formerly: Edwin Haynes)" by L. I. Chasak, Registered Land Surveyor, dated 4-29-85 and being also known as Parcel A-40-6 in the tax maps of the City of Raleigh, North Carolina.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: 7-16-85

Effective: 7-16-85

RESOLUTION (1985) - 882

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF WM C. VICK CONSTRUCTION CO.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by Wm. C. Vick Construction Co. for the following public purpose:

To redevelop and rehabilitate the Old City Market Redevelopment Area as designated by the City Planning Commission and as approved by the City Council pursuant to G.S. 160A-503 et seq.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

Parcel A-40-7
Beginning at the point of intersection of the eastern right-of-way line of Blount Street and the southern right-of-way line of Martin Street; runs thence along Martin Street south 80 deg. 21 min. 02 sec. east 40.20 feet to a point; runs thence south 09 deg. 28 min. west 65.30 feet to a point; runs thence north 80 deg. 21 min. west 40.10 feet to a point in the eastern right-of-way line of Blount Street; runs thence along Blount Street north 09 deg. 22 min. 46 sec. east 65.30 feet to the point and place of beginning and being the property shown on a map entitled "Property of City of Raleigh, (Formerly: William C. Vick), 200 E. Martin Street, Raleigh, N.C." by L. I. Chasak, Registered Land Surveyor, dated 3-1-85 and being also known as Parcel A-40-7 in the tax maps of the City of Raleigh, North Carolina.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: 7-16-85

Effective: 7-16-85

RESOLUTION (1985) - 883

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF EMERSON F. GOWER AND WIFE, MARGARETTE JOHNSON GOWER.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by Emerson F. Gower and wife, Margarette Johnson Gower for the following public purpose:

To redevelop and rehabilitate the Old City Market Redevelopment Area as designated by the City Planning Commission and as approved by the City Council pursuant to G.S. 160A-503 et seq.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation for the purposes stated above, the property and interest described as follows:

Parcel A-40-8
Beginning at the point of intersection of the south right-of-way line of E. Martin Street and the west right-of-way line of Parham Street, runs thence along the Parham Street south 09 deg. 30 min. 55 sec. west 65.30 feet to a point; runs thence north 80 deg. 21 min. west 40.10 feet to a point; runs thence north 09 deg. 28 min. east 65.30 feet to a point in the south right-of-way line of E. Martin Street; runs thence along E. Martin Street south 80 deg. 21 min. 02 sec. east 40.12 feet to the point and place of beginning and being the property shown on a map entitled "Property of the City of Raleigh, 208 E. Martin Street, Raleigh, N.C." by L. I. Chasak, Registered Land Surveyor, dated 6-19-85 and being also known as Parcel A-40-8 in the tax maps of the City of Raleigh, North Carolina.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: 7-16-85

Effective: 7-16-85

RESOLUTION (1985) - 885

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF E. G. MORRIS HEIRS.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by E. G. Morris Heirs for the following public purpose:

To redevelop and rehabilitate the Old City Market Redevelopment Area as designated by the City Planning Commission and as approved by the City Council pursuant to G.S. 160A-503 et seq.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

Parcel A-40-10
Beginning at the point of intersection of the southern right-of-way line of Wolfe Street and the western right-of-way line of Blake Street; runs thence along Blake Street south 09 deg. 30 min. 41 sec. west 70.16 feet to a point; runs thence along a party wall north 80 deg. 23 min. 52 sec. west 65.65 feet to a point; runs thence north 09 deg. 30 min. 41 sec. east 69.90 feet to a point in the southern right-of-way line of Wolfe Street; runs thence along Wolfe Street south 80 deg. 37 min. 57 sec. east 65.65 feet to the point and place of beginning and being the property shown on a map entitled "Property of City of Raleigh (Formerly: E. G. Morris), 319 Blake Street, Raleigh, N.C." by L. I. Chasak, Registered Land Surveyor, dated 2-23-85 and being also known as Parcel A-40-10 in the tax maps of the City of Raleigh, North Carolina.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: 7-16-85

Effective: 7-16-85

RESOLUTION (1985) - 886, 887

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF J. A. BROTHERS AND WIFE, SUSAN D. BROTHERS.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by J. A. Brothers and wife, Susan D. Brothers for the following public purpose:

To redevelop and rehabilitate the Old City Market Redevelopment Area as designated by the City Planning Commission and as approved by the City Council pursuant to G.S. 160A-503 et seq.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

Parcel A-40-1 and 2
Beginning at a point in the eastern right-of-way line of Blake Street, the southwestern corner of Lot 22 on a map hereinafter referred to, said point being north 09 deg. 28 min. east 100 feet from the point of intersection of the eastern right-of-way line of Blake Street and the northern right-of-way line of E. Davie Street; runs thence along Blake Street north 09 deg. 28 min. east 66 feet to a point; continues thence along Blake Street north 09 deg. 32 min. east 44.21 feet to a point; runs thence south 80 deg. 32 min. east 60 feet to a point; runs thence south 09 deg. 32 min. west 44.21 feet to a point; continues thence south 09 deg. 28 min. west 66 feet to a point; runs thence north 80 deg. 32 min. west 60 feet to the point and place of beginning and being all of Lots 22, 23, 24 25 and 26, New Market, according to Book of Maps 1911, Page 92, Wake County Registry and being the property shown on two maps by L. I. Chasak, Registered Land Surveyor, dated July 24, 1985 and being also known as Parcels A-41-1 and 2 in the tax maps of the City of Raleigh, North Carolina.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: 7-16-85

Effective: 7-16-85

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 6:15 P.M.

Gail G. Smith
City Clerk

emw/CC July/IBM